

**Reforming the Legal Regulation of Human Trafficking into the
UAE, with particular reference to the law in the UK**

Hamad Alaleeli

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Table of Contents

Dedication	VI
Abstract.....	VII
Acknowledgements.....	IX
Abbreviations.....	X
List of Tables and Diagrams	XII
Chapter One: Introduction.....	1
1.1 Introduction	1
1.2 Purposes of Human Trafficking.....	4
1.3 Impact of Trafficking	7
1.3.1 Individual.....	8
1.3.2 Society.....	10
1.4 Globalisation and Trafficking	11
1.5 Human Trafficking and the Economy.....	13
1.6 Aims of the investigation:	15
1.7. Objectives:	16
1.8. Reasons for studying this subject:	17
Chapter Two: Literature Review	18
2.1Introduction	18
2.2 Estimates of Human Trafficking	21
2.2.1 Magnitude and type of victims	24
2.2.2Scope.....	27
2.2.3Profits and cost of human trafficking	30
2.3 Definitions	31
2.3.1 Prior to the 2000 Palermo Convention	33
2.3.2As Stated in the 2000 Palermo Convention	34
2.4 Causes of Human Trafficking	36
2.5. Slavery:.....	40
2.5.1 Slavery in the Ancient World	41
2.5.2 Slavery in the Modern World.....	42
2.5.3 Timeline for the Abolition of Slavery	43

2.5.4 Relationship between Human Trafficking and Slavery	44
2.6 Human Trafficking and Migrant Smuggling	45
2.6.1. Introduction	45
2.6.2 Definition of Migrant Smuggling	46
2.6.3 The Scale of Human Smuggling and Trafficking	47
2.6.4 Causes of Migrant Smuggling.....	48
2.6.5 Distinction between human trafficking and migrant smuggling	48
2. 7 National and International Actors in Anti-trafficking Efforts	51
2.7.1 National Actors	52
2.7.2 International Actors	53
2.8 Counter-trafficking Programmes	56
2.8.1 Counter-trafficking strategies	56
2.8.2 Evaluation of Counter-trafficking Programmes	57
2.9 Conclusion.....	59
Chapter Three: International Conventions to Combat Human Trafficking.....	61
3.1 Introduction	61
3.2 International Conventions	63
3.2.1 International Conventions from 1904 to 1937	64
3.2.2 International Conventions from 1949 to 1990	66
3.2.3 International Conventions from 1990 to 2010	67
3.3. Regional Conventions of Human Trafficking.....	70
3.3.1 The American Convention on Human Rights, 1969 and its Protocol of 1988 and 1990	70
3.3.2 The Council of Europe Convention on Action against Trafficking in Human Beings	70
3.3.3 The African Charter on Human and Peoples’ Rights, 1981.....	71
3.3.4 The Arab Charter on Human Rights, 2004	71
3.3.5 The South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution	72
3.4. ILO Conventions	73
3.5 The Conventions of Human Trafficking ratified by the UK	74
3.6 The Conventions of Human Trafficking ratified by the UAE	75
3.7 Conclusion.....	76
Chapter Four: Background of the UAE.....	78

4.1 Introduction	78
4.2 Formation of the UAE	80
4.3 Location of the UAE	80
4.4 History of the UAE.....	81
4.4.1 Pre-Independence Period	83
4.4.2 Post-Independence Period.....	86
4.5 The People, Language and Religion	87
4.6 Climate	88
4.7 Population.....	88
4.8 Legal System:	89
4.9 Conclusion.....	90
Chapter Five: Combating Human Trafficking in the UAE	92
5.1 Introduction	92
5.2 The Situation and Efforts in the UAE Regarding Human Trafficking:.....	97
5.2.1 The situation and efforts in the UAE regarding human trafficking before establishing law of human trafficking:.....	98
5.2.2 The situation and efforts in the UAE regarding the human trafficking after establishment of law of human trafficking.....	102
5.2.2.1 Legislation:	105
5.2.2.2 Enforcement:	106
5.2.2.3 Supporting Victims:.....	110
5.2.2.4 International Cooperation and Bilateral Agreements:	112
5.2.2.5 Why has the Number of Cases Increased over the Last Five Years?	113
5.3 Combating Human Trafficking in Islam	115
5.3.1 Is the United Arab Emirates Applying the Islamic Law (Shariah) Punishment to Combat Trafficking?.....	117
5.4 Conclusion.....	117
Chapter Six: Combating Human Trafficking in the United Kingdom.....	119
6.1 Introduction	119
6.2 Factors Responsible for Human Trafficking in the UK	124
6.3 Legal Considerations of Trafficking and Smuggling in the UK.....	129
6.4 Current Situation of Human Trafficking and Cases from the UK	130

6.5 Comparison between Trafficking in the UK and the UAE	135
6.6 Conclusion.....	139
Chapter Seven: Research Methodology	140
7.1 Introduction	140
7.2 Selecting the Methodology:.....	141
7.3 Research Design	143
7.4 Theoretical Perspective Applied in the Thesis	145
7.5 Matching the Research Objectives and the Methods Used	147
7.6 Research Ethics	148
7.7 Limitations of the Study.....	150
7.8 Conclusion.....	151
Chapter Eight: Findings	152
8.1 Introduction	152
8.2 Comparison between Anti-Trafficking Legislations and their Implementation in the UAE and the UK	154
8.3 Analysis of Interviews	156
8.4 Conclusion.....	160
Chapter Nine: Summaries of Findings, Conclusions and Recommendations	162
9.1 Introduction	162
9.2 Findings and Conclusions	162
9.2.1 Literature Review	163
9.2.2 International Conventions to Combat Human Trafficking.....	164
9.2.3 Background of the UAE	166
9.2.4 Combating Human Trafficking in the United Kingdom.....	168
9.2.5 Findings from the Fieldwork	169
9.2.6 General Conclusions.....	170
9.3 Recommendations	171
9.3.1 Training of Staff.....	172
9.3.2 Coordination among Anti-Trafficking Organisations in the Country	172
9.3.3 Third Party Monitoring.....	173
9.3.4 Increasing Awareness about Human Trafficking	173
9.3.5 Greater International Cooperation and Engagement.....	174

9.3.6 Knowledge Transfer and Information Sharing between Nations	175
9.4 Areas for Future Research	176
BIBLIOGRAPHY	177
Books.....	177
Conference.....	177
Journal Articles.....	177
Legal Rule	179
Newspapers	181
Online Data	182
Reports.....	184
Thesis	193
APPENDICES	195
Appendix I: Interview No. (1)	195
Appendix II: Arabic interviews	204
Appendix III: Federal Law 51 of the United Arab Emirates	210

Dedication

To my parents, my wife and my friends who are wishing and praying for the successful completion of my PhD study

Abstract

Human trafficking has become one of the darkest sides of globalisation due to the low level of coordination between government agencies and anti-trafficking organisations. Trafficking in humans has become a global issue. It cannot be tackled effectively without the active support of all national governments. It is now compared with slavery and is often termed 'modern slavery'. This study is based on understanding human trafficking from the perspective of the UAE. It considers clearly the background of the human trafficking situation in the UAE, to fully understand the context and the situation of human trafficking regulations and enforcement in the country. Different cases of human trafficking that occurred in the past have been analysed. The anti-trafficking efforts of the UAE government were examined in the context of Federal Law 51, which was adopted in 2006 to prevent trafficking in the UAE. This law calls for taking a holistic view of human trafficking by providing a proper definition of human trafficking, proposing strict implementation of legislation, support to victims and lastly, coordinating with other nation states in anti-trafficking efforts.

A comparison between human trafficking activities in the UAE and the UK was undertaken to determine the loopholes that exist in the anti-trafficking efforts of the UAE. The UK has consistently being ranked as a tier 1 country in its anti-trafficking efforts by the Department of State of the United States, while the rank of the UAE has fluctuated from tier 3 to tier 1 in the last decade. The critical comparative analysis between the UK jurisdictions and UAE human trafficking law is presented with regards to the problem of this study. Furthermore, interviews with some government officers involved in anti-trafficking efforts in the UAE were undertaken to obtain sufficient information about the research problem; then, the results of the interviews were used to obtain a more in-depth understanding of the current process of human trafficking law and enforcement practices. Interviews revealed that the situation in the UAE is improving gradually. More awareness is being spread in the country regarding human trafficking and more and more victims are gathering the courage to report their exploitation.

The findings of this study show that there are certain regional and global patterns in human trafficking activities. Many developing and third world countries are increasingly used as source countries, while developed and prosperous countries are the destination of those who are

trafficked across international boundaries. Deeper investigations are required to reveal the true picture of human trafficking. The factors that are the driving force behind this illegal industry are required to be understood more clearly such that steps are taken to remove them. The need is to take drastic measures to eradicate prostitution from the UAE and reduce the exploitation of women and girls. Reforms are also needed in the labour sector, to put a check on the exploitation of men and women for domestic labour. A programme to increase awareness should be initiated by the government to educate the migrant workforce about the dominant forms of human trafficking activities in the UAE.

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Abbreviations

ACHPR	African Charter on Human and Peoples' Rights 1981
ADB	Asian Development Bank
AIDS	Acquired Immune Deficiency Syndrome
ATMG	Anti-Trafficking Monitoring Group
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CRS	Congressional Research Service
ECPAT	End Child Prostitution, Pornography and Trafficking
EU	European Union
GAO	United States Government Accountability Office
GATW	Global Alliance against Traffic in Women
GCC	Gulf Co-operation Council
GNP	Gross National Product
GSI	Global Slavery Index
HIV	Human Immuno-Deficiency Virus
HRW	Human Rights Watch
IDB	Inter-American Development Bank
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
INTERPOL	International Criminal Police Organization
NCCHT	National Committee for Combating Human Trafficking (the UAE)
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe

Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against women and children
SAARC	South Asian Association for Regional Cooperation
SOCA	Serious Organized Crimes Agency
SOM	Smuggling of Migrants
TIP	Trafficking in Persons
TVPA	United States Trafficking Victims Protection Act, 2000
UAE	United Arab Emirates
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UKHTC	UK Human Trafficking Centre
UN	United Nations
UN.GIFT	United Nations Global Initiative to Fight Trafficking
UNESCO	United Nations Education, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
UNSCAS	Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery
UNTOC	United Nations Convention against Transnational Organized Crime
US	United States
WB	World Bank

List of Tables and Diagrams

List of Tables		
Table No.	Particulars	Page No.
Table 2.1	Victim Profile in US Government, ILO, UNODC, and IOM Databases	29
Table 2.2	Elements of Trafficking	35
Table 2.3	Causes of Human Trafficking	38
Table 2.4	Timeline for the Abolition of Slavery	43-44
Table 2.5	Differences between Human Trafficking and Migrant Smuggling	49
Table 2.6	List of International Organisations in Anti-Trafficking Efforts	53
Table 2.7	List of NGOs / Think-tanks / Programs in Anti-Trafficking	54
Table 2.8	Global Slavery Index of States	55
Table 5.1	Cases/ Traffickers/ Victims (Emirate-wise) 2012	107
Table 5.2	Human Trafficking Cases – 2009	114
List of Figures		
Figure No.	Particulars	Page No.
Figure 3.1	Political Map of United Arab Emirates	81
Figure 5.1	UAE Ranking	95
Figure 5.2	Human Trafficking Cases, the UAE 2007 - 2012	108
Figure 5.3	Number of Convicted Cases 2007 - 2012	109
Figure 6.1	Adults and Children in Modern Slavery in the UK – 2012	131
Figure 6.2	Tier Ranking of the UK and the UAE by year	137

Chapter One: Introduction

1.1 Introduction

Trafficking in human beings has become an issue of international importance. The entire international community, including the international organisations, national governments and regional associations, are trying their best to formulate laws and policies to eliminate human trafficking from the face of the earth. The response to anti-trafficking efforts has been phenomenal both at regional and international levels. From an initially woman-related issue in the early 1980s, human trafficking has evolved into a major concern for the international community. It has entered the global agenda of high politics, demanding new legislation and seeking actions from organisations like the UN, the EU and the ILO.

Despite increased focus on curbing human trafficking, the crime is growing at a faster pace. It is considered next to drugs and illegal arms in the list of the world's biggest organised crimes. Human trafficking involves large international gangs which have operatives in almost all the major countries. There are some poor and developing countries that are mostly used as source nations; others act as transit nations and, finally, some developed countries are the preferred destination countries of the human traffickers. The crime has spread its tentacles in such a manner that it has engulfed the entire world. It is often termed as a 'modern form of slavery' and is also considered as the 'dark side of globalisation'.

The number of trafficking victims has risen significantly in the last decade. Although due to the secret mode of human trafficking operations its actual position is still not known. It is estimated that thousands of people are trafficked across the globe each year for various reasons. Some are forced into domestic exploitation; some are thrown into sexual exploitation; while others are forced to work on hazardous jobs. People are even trafficked to perform illegal activities such as shoplifting, pick-pocketing, committing benefit frauds, cultivation of cannabis, drug smuggling, and making and selling of pirated CDs and DVDs. Billions of dollars are earned by traffickers as the profits from these activities.

Trafficking is not a new thing but the complexity of this phenomenon has grown exponentially. There are many interconnected factors that are responsible for the substantial increase in human trafficking. The major driving factors for human trafficking are both supply factors and demand factors. The supply factors include poverty, limited opportunities at home, lack of education, unstable social and political conditions, and outbreak of epidemic or war. The major demand factors include the demand for cheap labour and the need for more methods of sexual gratification in developed countries.

A deeper look at the demand side will reveal that the birth rate in the developed countries like Japan and Western Europe has fallen below the levels that are required to maintain a continuous supply of labour in their industries¹. This has resulted in a serious crisis, with an unskilled labour shortage in these countries. Despite this crisis, to maintain their standard of living, these developed countries are closing their borders to foreign workers. Consequently, there is a huge labour demand in the developed countries. The closing of borders has made it more difficult for smugglers to send migrant workers into these countries. Smuggling costs have risen to such a point that smugglers have switched over to trafficking. On the other hand, owing to high population growth rates, many countries in Asia have a huge unemployed and unskilled labour force. This demand and supply gap is fuelling the growth in the trade of human beings.

Apart from demand for cheap labour, there are other forms of demands that are driving human trafficking. There is a great demand for women and children in the commercial sex industry and brothels. There are both push and pull factors responsible for the exploitation of girls and women in the paid sex industry. On the push side, many young girls are recruited from less developed countries on false promises of better job opportunities abroad. Upon arrival, the victims' passports and travel documents are confiscated by the traffickers and they are mostly abused into submission. On the pull side, the gratification of sex and demand for more and more sex in developed countries is leading to sexual exploitation of women.

¹Jordan, A. (2004). *Human Trafficking and Globalization*. Center for American Progress.

The majority of sex workers in Japan comes from Thailand and Laos as well as China and other surrounding countries². Clients in Japan and other developed countries often support their demands by force in the destination countries. Like any other commodity, traffickers in the sourcing countries' first 'brand' these women and children by giving them proper haircuts and clothes so that they look attractive to clients. Pimps buy these victims only for a certain period of time and then dispose of them when they are no longer useful or when they contract a disease. These victims are sold several times for prostitution, bouncing from one pimp to another, until they are disposed of.

The complexity in the nature of trafficking makes it necessary to study it from different perspectives. There is a serious lack of significant research in areas where human trafficking is more prevalent. Thousands of victims, mostly women and children, are falling prey to trafficking for sexual purposes, within their countries or abroad. Traffickers consider human beings as a commodity and indulge in their buying and selling in the same manner as any other commodity. The price of victims is governed by the utility that can be derived by putting them to forced labour in the agricultural sector, to prostitution in the sex industry, to domestic servitude, to work in construction, restaurants, mining or manufacturing industries and in other similar occupations. Most of the victims of trafficking are women, although men and children are also trafficked. Temporary or contract workers, indigenous people and migrant workers – particularly irregular migrants – are the sections of society that are most vulnerable to human trafficking. The majority of these victims are desperate people struggling to make a meager living, whose lives are ruined by the exploitation and rapacity.

Depending on geographical considerations, trafficking can be divided into two types: international trafficking and domestic trafficking. When trafficking activities occur across international borders, then it is termed international trafficking. However, when human trafficking occurs within the boundaries of a particular country, it is called internal or domestic trafficking. Internal trafficking may be the most common form of abuse where

²Rahman, M. A. (2011), "Human Trafficking in the Era of Globalization: The Case of Trafficking in the Global Market Economy", *Transcience Journal*, Vol. 2, No. 1, pp. 54-71, http://www2.hu-berlin.de/transcience/Vol2_Issue1_2011_54_71_Glossary.pdf (accessed June 17, 2012).

victims are lured from one province or city of a country to another, without actually crossing international borders.

Traffickers can be involved in different functional roles, such as, recruiters, transporters, or exploiters. These roles depend on different stages of trafficking processes like sourcing of victims, forging their documents, and capturing them for exploitation. Sourcing becomes easier for traffickers because of certain vulnerabilities of the victims at their place of origin. Transporting itself makes victims vulnerable to trafficking as they may not have proper travel documents and therefore depend heavily on the traffickers. The real exploitation of the victim starts at the destination, where they are at the sole mercy of the traffickers. Due to their illegal status and physical isolation, they can do very little to prevent their exploitation. The involvement of organised criminal groups in trafficking provides the necessary support for the increasing influence of this crime.

1.2 Purposes of Human Trafficking

Trafficking is mainly carried out by traffickers for the purpose of economic gains. Traffickers are involved in different stages of the trafficking process (recruitment, transportation, transfer, harbouring, receipt of person, etc.) in various roles. Traffickers can be recruiters, transporters, those who exercise control over trafficked persons, those who exploit the transferred persons, those who are involved in related crimes, and those who get direct or indirect benefits from trafficking activities. These traffickers may assume one or multiple tasks such as recruitment, documentation, transportation, escort of victims, bribing public officials, facilitating the transportation, gathering information, receiving victims at the destination and exploiting the victims³. Some of the purposes for which trafficking activities are carried by these traffickers are explained below:

(a) Commercial Sexual Exploitation: Trafficking for the purpose of commercial sexual exploitation has been widely reported and studied. It is the most common form of trafficking. It primarily impacts women and children. There are different forms of

³Human Trafficking: A Brief Overview (2009), Social Development Notes - Conflict, Crime and Violence, http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1239390842422/6012763-1239905793229/Human_Trafficking.pdf (accessed January 30, 2012).

commercial sexual exploitation like prostitution, cybersex, pornography, and sex tourism⁴. Several common factors have been identified that are used by traffickers for recruiting victims for commercial sexual exploitation. These methods include 1) a promise of a good job in another country; 2) a false marriage proposal; 3) being sold into the sex industry by close relatives like parents, husbands, and boyfriends; and 4) being kidnapped by traffickers. In many cases it has been observed that the recruiters are very close to the victim.

Prostitution is regarded as an economic phenomenon that is deeply engraved in the patriarchal system of society. It involves accumulation of wealth through decimation of women's and children's bodies, sexuality and entire beings. It is estimated that the number of sexually exploited women and children have increased in recent years all over the world. There has been an alarming increase in the use of minor girls in prostitution. Children are preferred because they do whatever is being demanded from them, which older experienced prostitutes may refuse. There are also more economic gains from younger girls as they can serve in the industry for a longer duration. Trapping minor girls on false promises is comparatively easier than trapping adult women. There are general myths that having sex with younger girls will increase sexual virility and will help in curing sexually transmitted diseases like HIV⁵.

There are different modes of operation involved in prostitution. It can be carried out easily from rooms, apartments, exclusive clubs, small hotels, friendship clubs, and under the disguise of beauty and massage parlours. The sexual exploitation can take place at various locations. Pimps, who are considered as the 'pillars of the sex industry', arrange clients for prostitutes. In many cases, prostitutes have no idea about their incomes. They are paid some nominal amounts from the income earned by the pimps through their clients. There are two main patterns through which women are targeted for commercial sexual exploitation in the trafficking industry. In the 'two step' process, women who are already working in prostitution are trafficked abroad with the involvement of their pimps. In the

⁴Sen, S. and Nair, P. M. (2004), "A Report on Trafficking in Women and Children in India 2002-2003", Volume I, NHRC – UNIFEM – ISS Project, nhrc.nic.in/Documents/ReportonTrafficking.pdf (accessed June 30, 2012).

⁵Ibid.

‘one step’ process women and girls are directly targeted in their villages to be sold in local brothels or abroad⁶.

The majority of women trafficked for commercial sexual exploitation are between 16 and 24 years of age. A large proportion of victims in the industrialised economies and in Asia and the Pacific are victims of international and internal trafficking⁷. The growth in the tourism industry has also contributed to the increase in cases of trafficking of women for prostitution. Tourism for the purpose of sex has become a prominent feature of the tourism industry. The ease of getting prostitutes at tourist places along with the benefits of anonymity has provided an ideal platform for the growth of sex tourism. Travel agencies, tour operators and hotels openly advertise the availability of child prostitutes in countries with lax law enforcement.

(b) Forced Labour and Other Forms: Trafficking for the purpose of forced labour has emerged as next to trafficking for sexual exploitation. In many regions the authorities have not taken steps to curb this practice. There are many reasons which hamper the reporting and prosecution in cases of forced labour. Firstly, it is difficult to distinguish victims of forced labour from migrant labourers. These victims are often kept in confinement on agricultural farms in the rural areas, mining camps, factories and private houses for the purpose of domestic servitude⁸. These trafficked persons are also forced to perform illegal activities such as drug peddling, organ trading, forced marriages, and begging. They are sold and purchased through trafficking rackets. Along with women and girls, both adult men and boys are also victims of forced labour.

(c) Trafficking of Children: Globally, around 30-50% of all those trafficked are below the age of 18 years. These children are used in the sex industry for prostitution, child pornography, and pedophilia. Children are also trafficked to work on untangling fishing nets, sewing goods in sweatshops, picking cocoa and begging. Children are either lured from their parents on the pretext of a better life or they are kidnapped. Sometimes, even

⁶ Ibid.

⁷ Akee, R. Q. K., Basu, A. K., Bedi, A. S. and Chau, N. H. (2009). “Combating Trafficking in Women and Children: A Review of International and National Legislation, Coordination Failures, and Perverse Economic Incentives”, *Journal of Human Rights and Civil Society*, Issue 2, pp. 1-24.

⁸ Human Trafficking: A Brief Overview (2009), Op cit.

parents out of desperation due to utter poverty also sell their children to traffickers. The use of children in armed conflicts and warzones has increased at an alarming rate in regional conflicts. Tens of thousands of children are used as combatants or are sexually exploited in the armed forces.

1.3 Impact of Trafficking

Trafficking is a grave offense against an individual. It not only infringes upon his/her right to freedom and liberty, but also involves controlling his/her earning capabilities, right to free thinking and personal growth. The individual suffers the worst form of mental and physical torture which will haunt him/her for the entire life. Trafficking has health, social, legal and economic effects on the victims. Traffickers are opportunistic individuals who adopt dynamic methods of luring people by taking advantage of conflicts, humanitarian crisis, and vulnerabilities of people in various situations. Traffickers exploit children, men, and women, regardless of age, race, ethnicity, religion, national origin, or socioeconomic status. Trafficking victims often have various signs of serious bodily abuse. These signs include bruises, broken bones, burns, brandings, chronic back, visual or hearing problems due to the long duration of work hours and constant beatings received from their tormentors.

Mental health professionals have identified some psychological symptoms that are commonly exhibited by most of the victims who have suffered prolonged exploitation. Firstly, a victim experiences a ‘trauma bonding’ with the traffickers. When such a bond develops a victim starts thinking positively about his/her abuser. The victim thinks that despite the repeated abuse, the trafficker is a loving boyfriend, spouse or parent⁹. Secondly, with the passage of this stage, the victim starts suffering from mental disorders. These include anxiety, mood disorders, and dissociative and substance-related disorders. These disorders severely attack the thinking capabilities of a victim and retard the working performance. Thirdly, when a victim is freed from the clutches of traffickers, some may re-experience the disturbing events to which they were subjected earlier. As a result, the

⁹ 2013 Report on Human Trafficking, Michigan Commission on Human Trafficking, https://www.michigan.gov/documents/ag/2013_Human_Trafficking_Commission_Report_439218_7.pdf, (accessed December 13, 2014).

victim may suffer from psychological distress or physical reactivity when exposed to internal or external cues related to their past. Fourth, these victims may demonstrate persistent avoidance of stimuli associated with their traumatic events. Finally, trauma victims frequently exhibit symptoms of hyper-vigilance, irritability and exaggerated startle response¹⁰.

1.3.1 Individual

At present, the scope of human trafficking activities is not confined to exploitation only. It has graduated to a much more cynical shape. Each stage of the trafficking process involves physical, sexual and psychological abuse and violence. It includes torture, forced use of substances, manipulation, economic exploitation and abusive working and living conditions¹¹. Trafficking usually involves prolonged and repeated trauma. The impacts on physical health include:

- Malnutrition;
- Exposure to sexually transmitted diseases like HIV;
- Possible unwanted pregnancies and forced abortions;
- Exposure to infectious disease due to unhygienic living conditions, overcrowding and lack of access to clean drinking water;
- Occupational health risks, injuries, skin diseases, and respiratory problems; and
- Hazardous working conditions that may be fatal¹².

The impact on mental and psychological health also has many manifestations. Some of these are:

- Physical reaction to trauma in the form of psychosomatic pain, change in sleeping patterns, weakened immune system, and increased use of drugs, narcotics and alcohol; and
- Psychological reaction to trauma in the form of shock and fear, disorientation, nightmares and flashbacks, difficulty in trusting others, a tendency to remain isolated, suicidal thoughts, and attempted suicides¹³.

¹⁰ Ibid.

¹¹“An Introduction to Human Trafficking: Vulnerability, Impact and Action” (2008), United Nations Office on Drugs and Crime, Vienna, http://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf, (accessed June 03, 2012).

¹²“Human Trafficking: An Overview” (2008), United Nations Office on Drugs and Crime, Vienna, <http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf>, (accessed May 12, 2012).

Overall the effects of trafficking and subsequent exploitation can be felt by a victim in all spheres of life. They experience abuse, exploitation, poverty, and poor health. The various impacts of human trafficking on victims can be classified as:

(a) The Physical Impact of Trafficking: Victims may be selected on the basis of their physical attributes. The small size and dexterity of children makes them desirable for work at rug looms. After working on looms, children suffer with eye damage, lung disease, stunted growth, and a susceptibility to arthritis as they grow older. Children working with silk-making firms get burns from boiling water; they breathe smoke from the machines and factories, and handle dead worms which cause skin infections¹⁴.

Ill effects on the physical health of victims of sexual exploitation have been documented in detail. Trafficked women subjected to sexual exploitation suffer from headaches, fatigue, weight loss, stomach, chest, back, pelvic and vaginal pain. They also suffer from dental, eye, ear and skin problems. Continuous vaginal discharge and gynaecological infections along with sexually transmitted diseases have been reported by trafficked women.

(b) Mental Health Impact: Continuous physical exploitation has serious consequences for the mental health and well-being of an individual. Victims of exploitation suffer from extreme stress disorders, anxiety, depression, alienation, extreme sadness and hopelessness, cognitive impairment, and memory loss. Since victims remain in confinement for long periods of time, the symptoms may persist for long after the trafficking experience, if support and appropriate counselling are not provided.

(c) Substance Abuse: Many trafficked people have reported that they were forced to use drugs and alcohol to ensure that they follow the orders of their traffickers, they are able to entertain more clients in the prostitution industry, or they can perform objectionable or risky acts. Trafficked persons also turn towards narcotics and drugs to alleviate the pain of their situation and to manage their mental trauma. In most cases, their addiction results in organ damage, malnutrition, needle-infused infections, overdose, and death¹⁵.

¹³ Ibid.

¹⁴ “An Introduction to Human Trafficking: Vulnerability, Impact and Action” (2008), Op cit.

¹⁵ Ibid.

(d) Impact on Behaviour: Continuous exploitation also has a negative impact on a victim's behaviour. Victims lose their capabilities to understand and describe things. They find it difficult to explain their abuse in front of authorities and sometimes even fail to recognise their tormentors. They become reluctant to disclose any information, may give false information, or may even turn hostile towards others. It is also observed that victims become uncooperative, irritable, complaining or ungrateful.

(e) Stigma: When rescued from the clutches of their abusers, trafficking victims face discrimination and stigmatisation in their homes and community. There are many kinds of stigma which a survivor has to live with. They face social disapproval if they have failed to earn what they were supposed to earn. In many regions, prostitution is not acceptable to the society. Women and girls subjected to commercial sexual exploitation are not accepted by their families and community. They are ostracised by society, as if it was their fault that they were sexually abused. Returned victims also face the constant threat of being dragged into prostitution once again. They are assumed to be infected with diseases like HIV/AIDS. These stigmas make it difficult for victims of trafficking to lead a normal life. In many cases, victims return back to prostitution as they are not accepted by their own people. Some even move away from their area to places where they choose not to reveal their trafficking experience to anyone¹⁶.

1.3.2 Society

Trafficking is the violation of a whole gamut of laws and regulations. It is a threat to society as traffickers break the laws on which human society exists. They threaten the very fabric of society as they not only involve law breakers, but law enforcers too. Trafficking for the purpose of sexual exploitation manifests from a patriarchal system of society in which males are considered to be superior. This results in gender discrimination against women and girls. They have to face threats of being sexually exploited if they try to go against the established norms of society. Trafficking has become a very prominent tool in the hands of males to exploit women and subjugate them for the satisfaction of the male ego.

¹⁶ Ibid.

The economic losses of communities and governments are enormous when the social and human costs of trafficking are counted. The costs of countering criminal trafficking activities and the cost incurred in the rehabilitation of victims puts an additional burden on government finances. Moreover, a considerable chunk of government revenues is also lost to hidden activities carried out through trafficked people. Governments around the world are now spending considerable amounts on anti-trafficking efforts. They are providing relief to victims, establishing shelter homes, spreading awareness about trafficking activities, strengthening prosecutors, providing training in identifying victims and dealing with cases of human trafficking. All these efforts are putting constraints on government spending on the social sector. The limited resources are diverted towards anti-trafficking efforts, which results in a slowdown in many social development projects, particularly in developing countries.

1.4 Globalisation and Trafficking

Globalisation is also considered to be a major contributory factor in people trafficking. Globalisation allows the free movement of goods, services, and labour across international borders. It has enabled the development of cheap transportation and global communication methods. Liberalisation in trade had a devastating effect on marginal farmers. For example, Mexican farmers have to migrate towards the north due to the influx of food grains from abroad. It is estimated that for every truckload of cheap US corn entering Mexico, three Mexican farmers have to give up farming and travel north for better employment opportunities¹⁷.

It has been observed that a large percentage of these migrant populations first move from villages to cities and then settle abroad. Once they find that it is difficult to survive in villages because of lower incomes from agriculture, they migrate to cities. In cities, too, they have to face intense competition for jobs and are forced to work for pitifully small wages as daily laborers. Traffickers take advantage of the poor economic conditions of these people. They lure them with the promise of better living conditions in foreign countries and promise them decent jobs. Migrants travel to foreign countries in the hope of

¹⁷Jordan (2004) Op cit.

finding work, but end up being exploited by traffickers. They are underpaid for very hazardous jobs, which are also termed as ‘3D’ jobs – dirty, degrading and dangerous unskilled work.

The advent of globalisation has seen the widening of the gap between the rich and the poor. The opening of the world economy was expected to bring millions of people out of poverty. However, the reverse has happened. An increasing number of people are falling into poverty each year globally. The disparities in wealth and standards of living between the people of developed and less developed nations are an open reality now. The three richest people in the world have more assets than the Gross National Product (GNP) of the forty-eight poorest nations¹⁸. This proves that Western-propagated globalisation has not been a boon for all. It has adversely affected billions of people living in third world countries.

The debt that poor countries took for developmental needs from international institutions like the World Bank (WB) and the International Monetary Fund (IMF) is also rising. Some of the poorest countries are trapped in a never ending cycle of poverty because of this external debt. They have to spend as much as thirteen dollars in debt repayment for every single dollar they borrowed in the past¹⁹. These countries are helpless in providing adequate facilities for their people to protect them against human trafficking. Buying and selling of human beings is rampant.

People are also willingly allowing themselves to be exploited because they have no other choices. Modernisation of agriculture has rendered landless farm workers unemployed. These people move to the cities in the hope of finding work, but end up becoming part of the urban poor. In every major city of developing and under-developed countries thousands of slum dwellers can be seen living in shanty houses on the city outskirts.

Subsidisation of crops in the western world poses a serious challenge for farmers in the developing economies. They can hardly compete with the farmers from developed economies, as they are unable to produce the same quality and quantity of crop at cheaper

¹⁸Groody, D. G. (2007). Globalization Spirituality and Justice. Orbis Books, New York.

¹⁹Ibid.

rates without subsidy. All these factors have resulted in the squeezing of poor nations and their populations are forced to accept slavery as their destiny. Unfortunately, the number of convictions in trafficking cases are few. Only a few thousand people are convicted each year for trafficking related cases. Overall, a globalised world has created many more avenues that facilitate trafficking and the exploitation of people over a wider area.

1.5 Human Trafficking and the Economy

Human trafficking affects almost every type of economy. It has an adverse impact on economic stability, national security and the rule of law. In industries from agriculture to small home-based production units, from global production houses to domestic industries, trafficking has become a problem for almost every industry and sector. The costs of trafficking include the value of all the resources that go into the prevention, support and treatment of victims and the apprehension and prosecution of traffickers²⁰. These costs are spread over various industries, government departments and agencies. They are linked to the human and social costs to the victims and their communities.

In agriculture, trafficked people are forced to work on agricultural farms, in gardens and orchards to cut flowers and pick fruit and vegetables, and in tropical regions for the collection of nuts. Trafficking for forced labour in agriculture is rampant in North America, the Caribbean, Latin America, and across Asia. In the construction industry, there are numerous accounts of foreign workers and irregular migrants working on temporary permits around the world, particularly in the Middle East and Gulf countries. Trafficked workers live and work in highly deplorable conditions in apparel and textile industries. Many multinational organisations have been accused of employing victims of human trafficking in their global supply chains. The tourism and hospitality industries are notorious for exploiting women and minors for commercial sexual purposes. Many resorts and hotels have links with international prostitution rings and indulge in criminal activities linked to sex tourism. In food processing and packaging plants, especially in fish and

²⁰“An Introduction to Human Trafficking: Vulnerability, Impact and Action” (2008), Op cit.

seafood processing industries, workers are trafficked by dishonest, criminal labour brokers²¹.

(a) Costs of Trafficking: Governments all over the world have to incur various costs in anti-trafficking operations. There are costs associated with the police for investigating suspected crime and gathering and recording evidence. The prosecution services, criminal courts, legal and non-legal defense costs, and the cost of prison and probation services are also borne by governments. The costs of trafficking also include the forgone productivity costs of imprisoned traffickers. Additional costs for witness protection schemes, victim support programmes and welfare and health schemes are a result of trafficking activities. Governments also have to spend on repatriation and rehabilitation of the victims.

The public health impact of trafficking activities is potentially more costly. It is estimated that each year, numerous victims of trafficking, contract infectious diseases, which may turn into an epidemic. Considerable costs are incurred on vaccination programmes and improving health services in areas prone to trafficking and commercial sexual exploitation. These costs can be offset by implementing the recovery of all these costs through the confiscation of assets and property of traffickers. Such an exercise would have dual benefit for anti-trafficking operations. First, it would lessen the burden of governments' costs of dealing with trafficking. Secondly, it would also act as a serious deterrent for those indulging in trafficking activities.

(b) Lost Resources: Trafficking in persons is a zero tax activity. It does not result in any income for the government. There is an irretrievable loss of resources, both natural and human. It results in the accumulation of capital in the hands of a few people who do not put it to productive purposes. The loss of working caliber women and children engaged in prostitution has long-term implications. They do not get access to education and health schemes which puts an extra burden on the economic system of a country. Factors like bribery and corruption are often accompanied with trafficking. It is believed that

²¹ Human Trafficking and Business: An eLearning Course on How to Prevent and Combat Human Trafficking, (2010), UN.GIFT.

trafficking activities can never flourish in a corruption-free public administration system. Both these factors have a destabilising effect on the economy²².

(c) Remittances: Remittances of migrant workers are directly affected by human trafficking. In cases of forced prostitution and labour, the victims hardly receive sufficient payment to send some small amount to their home countries. Some national governments have taken steps to calculate the possible payments due to trafficking victims and to compensate them accordingly. Migrant people working abroad are the main source of income for millions of families in developing and third world countries. These families have either no or very few sources of getting money from elsewhere, other than remittances from migrant family members.

Remittances have also become an important source of earning foreign exchange for many developing economies²³. Any significant reduction in foreign remittances will push millions of people in these countries into poverty. Trafficking involves exploitation of people for no payment or very little payment. Traffickers pocket a great part of victims' earnings and thus prevent them from sending enough money to their homes. Reducing remittances will have a devastating impact on the economies and the lives of people in many developing countries.

1.6 Aims of the investigation:

The primary aim of this study is to examine reform of the legal regulation of human trafficking into the UAE as introduced in 2006, which is specific for protecting women and children, to establish whether the continuing problems arise from the substantive law or from the enforcement processes or both of them. It has been noted by Calandruccio that in 2005 there was a scarcity of available data for the study of human trafficking, and the more widespread notion of people migration, within the Middle East area of the world²⁴.

"The review of recent research conducted on human trafficking in the Middle East region presented so far in this paper may be considered exhaustive of what has been produced on the subject. Unfortunately, and for a set of different reasons that will be examined

²² Ibid.

²³ Ibid.

²⁴ Calandruccio, G. (2005) A Review of Recent Research on Human Trafficking in the Middle East (in Laczko, F & Godziak, E. (eds) 922050 supra at p.267)

later in this paper efforts to study the scale of the trafficking phenomenon in this part of the world have been very limited. In recent years, however, academic and institutional researchers have increasingly dedicated time and energy to studying issues related to different aspects of migration in the Middle East. These studies, although not directly addressing human trafficking, are important to our understanding of the socio-economic context of where and why trafficking of human beings flourishes, paying attention both to the level of the countries of origin and the countries of destination".²⁵

Thus, the focus on looking at the UAE region post 2006 was highlighted, not least because the UAE has in recent years sought to be at the forefront of research and monitoring of trafficking, with the stated aim of seeking to tackle the large scale problems identified.²⁶ As will be discussed below in chapter 4, the UAE has made great strides in recent years to deal with the issues of trafficking. The progress can be measured against that of the UK (see chapter 5), and this has provided the researcher with a comparative aspect of the methodological approach, and has enabled observations to be made and evaluations to be derived which show the progress made in the UAE in the international arena. Thus, as well as looking at the UK as a comparator, the researcher has also placed the study of trafficking within an international dimension (see chapter 3).

1.7. Objectives:

1. To establish the current law and the enforcement processes in the UAE in respect of human trafficking.
2. To evaluate the weaknesses and lacunae in the law and practice of human trafficking of the UAE in terms of legal provisions.
3. To analyse the legal procedures for enforcement that are applied by the authorities in the UAE to prevent to the occurrence of human trafficking and after discovering it.
4. To establish if the United Arab Emirates comply with all international norms and conventions on human trafficking.
5. To provide a comparative study of the legal regulation of human trafficking and the practice of enforcement between the UK and UAE.

²⁵Ibid at p.273

²⁶For example, on continuing progress in the UAE see the NCCHT Annual Reports, Combatting Human Trafficking in the UAE, Annual Report 2012-2013.

6. After the conclusion of the research into the problems in the UAE and on the legal regulation used in different jurisdictions, proposals will be made for specific reforms to the substantive law and procedures in the UAE.

1.8. Reasons for studying this subject:

1. The incidence of human trafficking within and through the UAE is increasing and is a serious social issue which the government of the UAE is keen to address.
2. To increase the overall body of knowledge and understanding through a critical and comparative analysis of the subject, as a contribution to academic research, because there is little literature in the area of study in the UAE.
3. To obtain valuable information and data from the UAE and the UK, in order to protect the parties and to find practical solutions to deal with and reduce the problems involved in the different types of human trafficking in the UAE.
4. To use the results of this study to draft new laws and propose policies for adoption by the authorities in the UAE, in the light of the best practice in other countries studied in particular the UK, to feedback into the practical operations for the enforcement of the legislation.

These reasons are indicative of the originality and importance of this research study, and of the contribution that this study will make for those working in the UAE to secure greater engagement with the problems of, and means of tackling, human trafficking.

Chapter Two: Literature Review

2.1 Introduction

Human trafficking is a global phenomenon, which has increasingly attracted the attention of international communities in the recent past²⁷. It has become a global crisis that is linked to the globalisation of the sex industry, involving the movement of women and children²⁸ across national and international boundaries. It is a crime against humanity²⁹ leading to exploitation of people in the form of sexual exploitation, slave-like practices, servitude, or the removal of organs³⁰. However, there are certain areas of the world that are more prone to this crime. Some patterns in human trafficking rings have also been observed. Asia constitutes the hub of trafficking in persons, particularly for the purposes of sexual exploitation. It is estimated that the largest number of women and children trafficked belong to Asia. These victims are either trafficked within or from Asia to different parts of the world³¹.

The Walk Free Foundation published its Global Slavery Index in 2013, which is aimed at ending all forms of modern slavery on the earth³². Modern slavery includes different practices that resemble the age old slavery, like debt bondage, forced marriage, sale and exploitation of children, human trafficking, and forced labour. As per the index, there are an estimated 29.8 million people suffering from modern forms of slavery. The top ten countries where modern slavery is widely practiced account for 76% of the 29.8 million

²⁷Piper, N. (2005), "A Problem by a Different Name? A Review on Research on Trafficking in South-East Asia and Oceania", *International Migration*, Vol. 43 (1/2), pp. 203-233, http://www.humantrafficking.org/uploads/publications/intl_migration_piper.pdf, (accessed June 13, 2012).

²⁸Rahman, M. A. (2011), Op cit.

²⁹Human Trafficking (2009), United Nations Office on Drugs and Crime (UNODC), <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>, (accessed June 13, 2012).

³⁰Touzenis, K. (2010), "Trafficking in Human Beings: Human Rights and Trans-National Criminal Law, Developments in Law and Practices", UNESCO Migration Studies 3, France, United Nations Educational, Scientific and Cultural Organization: 173.

³¹Piper, N. (2005), Op Cit.

³²"The Global Slavery Index, (2013)", Walk Free Foundation, <http://www.globalslaveryindex.org/>, (accessed December 12, 2013).

enslaved people. These countries are India, China, Pakistan, Nigeria, Ethiopia, Russia, Thailand, the Democratic Republic of Congo, Myanmar, and Bangladesh³³.

According to an estimate by the Rose Collar Foundation, trafficking in human beings is one of the fastest growing criminal industries in the world³⁴. With the increase in the scope of crimes related to human trafficking, anti-trafficking measures adopted by governments of different nations have also seen an increase. Until the 1980s, most of the issues of human trafficking were studied from the perspective of the exploitation of women and girls only. At present, trafficking has caught the attention of the political elite and has been addressed through legislative and other actions in the international arena³⁵. The United States has taken a lead in its anti-trafficking efforts. The US State Department created the Office to Monitor and Combat Trafficking in Persons in October 2001³⁶. It publishes an annual report which assesses the efforts of the international community in tackling trafficking. Anti-trafficking efforts got a major boost in the European Union with a conference on Preventing and Combating Trafficking in Human Beings held at Brussels in September 2002. More than 1000 representatives of various European institutions, EU member states, representatives of NGOs, and international organisations participated in the conference. The Brussels Declaration was issued at the conference, which outlined a set of policy recommendations for the EU in the area of human trafficking³⁷.

Human trafficking can be regarded as the modern-day slave trade where traffickers force people to work in various kinds of industries like agriculture, mining and forced prostitution³⁸. Slavery has been legally and morally condemned worldwide and is illegal in all the nations of the world³⁹, but the age-old slave trade is still flourishing and it is

³³ Ibid.

³⁴ Human Trafficking is the Second-Largest Organized Crime in the World, Rose Collar Foundation, <http://rosecollar.org/files/2011/03/RCF-Brochure-web.pdf>, (accessed June 09, 2012).

³⁵ Piper, N. (2005), Op Cit.

³⁶ Laczko, F. and Gozdzia, E. (2005), "Data and Research on Human Trafficking: A Global Survey", International Organization for Migration (IOM).

³⁷ Ibid.

³⁸ Salett, E. P. (2006), "Human Trafficking and Modern-Day Slavery", National Association of Social Workers, Washington, http://www.naswdc.org/diversity/affirmative_action/humanTraffic1206.PDF, (accessed June 09, 2012).

³⁹ Gerber, R. (2010), "A Report on Modern Day Slavery for the Pacific Centre for Global Justice", School of Public Administration, Portland State University, http://www.pcgj.org/Modern_Day_Slavery.pdf, (accessed June 15, 2012).

estimated that there are 27 million slaves in bondage around the world⁴⁰. According to the United Nations, annually between 700,000 and 900,000 people fall prey to human trafficking and are bought, sold and transported to different locations against their will⁴¹. Human trafficking and other forms of slavery, like the sex trade, bonded labour, inherited slavery, contract slavery, early and forced marriage, chattel slavery, child labour, child soldiers, and domestic slavery are widely practiced all over the world⁴².

The victims of human trafficking are men, women and children. Most of the men are trafficked for forced work in industries like domestic servitude, agriculture, construction, restaurant, mining or manufacturing⁴³. Women and children form the major proportion of victims of human trafficking. They are primarily abducted, sold or tricked to work in the commercial sex industry in addition to the above types of industries⁴⁴. Most of these victims are not paid for their work and are also not allowed to leave. According to UNICEF, over 30 million children have been sexually exploited through human trafficking in the past 30 years⁴⁵.

Human trafficking should not be considered as a transnational crime only. It has manifested itself both within and between countries. Many cases have been reported in which the victims were trafficked within the boundaries of their own country. Policy makers need to think about the involvement of people in human trafficking from the perspective of those who are actually perpetrating this crime and also those who are utilising the services of traffickers. Both traffickers and their clients need to be tackled simultaneously to put an effective limit on human trafficking. Most of the victims of human trafficking are not aware of the processes for reporting their exploitation. They are afraid of the reprisals against themselves and their families should they report their abusers. These threats are more prominent in cases where trafficking occurs within the boundaries of a country. Traffickers are usually influential people who threaten their

⁴⁰ Ibid.

⁴¹ Salett, E. P. (2006), Op cit.

⁴² Gerber, R. (2010), Op cit.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Human Trafficking is the Second-Largest Organized Crime in the World, Op cit.

victims with bodily harm and/or harm to their kith and kin. In addition, victims also do not trust the police and criminal justice authorities of their country⁴⁶.

The magnitude of infiltration of human trafficking into poor countries can be understood by the example of an incident in which NgunChai, a migrant Burmese father of a 13-year old girl in the town of Mae Sai, Thailand sold his daughter into prostitution for \$114. His wife, La Chai's only regret was that they did not get a good price for her⁴⁷. She said *"I should have asked for \$228. He robbed us"*⁴⁸.

Trafficking involves the movement of victims through legal or illegal means across borders, national or international, mostly keeping the victims in ignorance about their final destination⁴⁹. In many cases victims are lured by better job opportunities and are oblivious about the nature of their illegal transit across nations which may lead to their arrest and deportation⁵⁰. There are international trafficking networks spread across the countries of origin, from where victims are picked up; transit countries, through which victims are transported; and destination countries, where the process of exploitation actually begins⁵¹. In cases of internal trafficking, all the three activities occur within the national boundaries of the country concerned⁵². The information available about the perpetrators of this crime is very limited. The traffickers are the people who act as recruiters, transporters and exploiters and are involved at different stages of the trafficking process, such as forging documents, corruption, and withholding the victims' travel documents⁵³.

2.2 Estimates of Human Trafficking

The availability of exact and accurate data on human trafficking is very difficult to assess and this is considered to be a major impediment in the way of anti-trafficking measures.

⁴⁶Goodey, J. (2008), "Human Trafficking: Sketchy Data and Policy Responses", Criminology and Criminal Justice, Sage Publication, <http://crj.sagepub.com/content/8/4/421> (accessed December 12, 2013).

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹Rahman (2011), Op cit.

⁵⁰Ibid.

⁵¹Touzenis, K. (2010), Op cit.

⁵² Ibid.

⁵³ Ibid.

The data that are available suffers from excessively wide ranges of estimates of various activities⁵⁴. These activities include forced labour and services, exploitation for criminal activities, removal of organs, and exploitation for prostitution. Different agencies working in this field are using different definitions for the identification of victims. These agencies often use their own methodologies in the collection of data on human trafficking and analyse the problem according to their own judgments⁵⁵. Although many commentators have reported that there is a dearth of literature on human trafficking activities, of late, there have been some positive developments in the field. It is true that the current national statistics and estimates are more often ‘guesstimates’ but in the last decade, several new initiatives have been launched that have improved the understanding about trafficking and related data⁵⁶.

There is a strong need to gather empirical data on human trafficking that serves the following purposes⁵⁷:

- Gives a better understanding of the problem in order to develop appropriate programmes and policies;
- Identifies the areas where trafficking is more widespread so that target programmes and policies can be implemented; and
- Monitors the extent and content of trafficking changes in order to evaluate existing policies.

The difficulty in gathering estimates and conducting research on human trafficking is due to many reasons. Firstly, the most challenging factor is that most of the populations relevant to the study of human trafficking are so called hidden populations⁵⁸. They include prostitutes, traffickers, victims/survivors, or illegal migrants. For a hidden population, no sampling frame exists as this is a group of people for which the size and boundaries are

⁵⁴ Ibid.

⁵⁵ Human Trafficking: A Brief Overview (2009), Op cit.

⁵⁶ Laczko and Gozdzia (2005), Op cit.

⁵⁷ Tyldum, G. “Coping with Biases in Trafficking Data”, Human Trafficking: New Directions for Research, International Organization for Migration (IOM), http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/human_trafficking_new_directions_for_research.pdf, (accessed December 12, 2012).

⁵⁸ Tyldum, G. and Brunovskis, A. (2005), “Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking”, International Organization for Migration (IOM).

unknown. The elements of hidden population are stigmatised with some socially unacceptable behaviour and therefore they refuse to participate in any kind of study. If they do participate they tend to provide unreliable information to protect their privacy. Drawing results for such a population is always a challenging task for researchers⁵⁹. The numerous challenges in collecting reliable data on human trafficking are⁶⁰:

- It is necessary to diversify the sources of information on human trafficking and victimisation. Social service agencies, labour unions, health and municipal inspectors, health care workers, church leaders and other community leaders should be involved in data collection on human trafficking. The data would be more reliable if the breadth of sources of data is increased further.
- There are some methodological challenges with more data collected from different sources. The chances of double counting the same victim by different sources have to be minimised. The inconsistencies in classification of victims have to be removed. In some records a person is considered as a victim, whereas some other department, say law enforcement, may not consider him or her to be a victim.
- Law enforcement officers have employed various definitions of human trafficking. Although a standard definition of human trafficking is available in the Palermo Protocol some countries have modified this definition for their own convenience. Various related terms like conflating migration, human trafficking and migrant smuggling continue to threaten the reliability of data.
- The data collection efforts should not compromise protecting the confidentiality of victims. In order to audit the collected data and harmonise the findings, confidentiality of data, such as the victim's name or specific victim characteristics should not be compromised.
- The nature and causes of human trafficking should be identified with new methodologies. The majority of data collected on human trafficking is secondary in nature. There is an

⁵⁹ Ibid.

⁶⁰ Farrell, A. and McDevitt, J. (2008), "Enhancing the Collection and Standardization of Human Trafficking Data: Examples from Data Collection Efforts in the United States", Human Trafficking: New Directions for Research, International Organization for Migration (IOM), http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/human_trafficking_new_directions_for_research.pdf (accessed December 12, 2012).

urgent need of a deeper analysis of the problem which can be done through life histories, in-depth studies, and organisational network analysis.

The methodologies required for conducting human trafficking research are new and unique. They require extra efforts from anti-trafficking actors to acquire a better understanding of the prevalence, characteristics, and the best means of combating human trafficking.

There are basically three elements, namely, magnitude and type of victims; scope; and profit and cost of trafficking, which figure in many reports on human trafficking and provide some estimates for them. Although there are some limitations to these estimates, they have been reported here to give a basic understanding of the estimated figures involved in human trafficking globally. Each of the three elements is discussed below.

2.2.1 Magnitude and type of victims

The International Labour Organization and the United Nations have estimated that around 12-27 million people are held in slavery worldwide and this number is the all-time highest recorded so far⁶¹. The US Department of State has estimated the number of adults and children held in forced labour, bonded labour and forced prostitution to be 12.3 million around the world⁶². Each year between 600,000 and 800,000 people are trafficked across international borders⁶³. Approximately 80% of transnational victims of human trafficking are women and girls and nearly 50% are minors⁶⁴. In the last 30 years, nearly 30 million children have fallen prey to human trafficking and currently it is estimated that each year around 1.2 million children are trafficked⁶⁵.

The prevalence of human trafficking victims in the world is around 1.8 per 1000 inhabitants, while in Asia and Pacific region this number is 3 per 1000 inhabitants⁶⁶. According to the ILO report of 2005, at any given point of time, the highest numbers of

⁶¹Salett, E. P. (2006), Op cit.

⁶² Synopsis on Human Trafficking, <http://www.denverconference.net/Human%20Trafficking%20Synopsis%20.pdf>, (accessed June 23, 2012).

⁶³Touzenis, K. (2010), Op cit.

⁶⁴ "Trafficking in Persons Report" (2008), Office to Monitor and Combat Trafficking in Persons, <http://www.state.gov/g/tip/rls/tiprpt/2008/105376.htm>, (accessed June 23, 2012).

⁶⁵Human Trafficking is the Second-Largest Organized Crime in the World, Op cit.

⁶⁶Synopsis on Human Trafficking, Op cit.

victims of human trafficking are in Asia and the Pacific region numbering around 1.4 million⁶⁷. These are followed by 270,000 victims in industrialised countries, 250,000 in the Latin American and the Caribbean countries, 230,000 in the Middle East and African countries, 200,000 in countries whose economies are in transition and 130,000 in sub-Saharan countries⁶⁸.

Human traffickers target those people in society who are poor, isolated and weak⁶⁹. The majority of victims of human trafficking are women and children who end up being used in the sex tourism industry, pornography and brothels⁷⁰. Human traffickers use different creative and ruthless ploys to trick the victims to fall into their trap by winning their confidence⁷¹. The social and economic vulnerabilities of young women of Bangladesh can be given as an example. It is due to their pitiful conditions that many women are compelled to engage in commercial sex work, resulting in the growth of the sex trade in Bangladesh⁷². The gender and demographic information are the two factors which have been found to play a significant role in the recruitment process of victims of human trafficking⁷³.

The UK has actively incorporated the anti-trafficking measures into its domestic laws⁷⁴. Under the Nationality, Immigration and Asylum Act 2002 trafficking in relation to prostitution was introduced for the first time in any legislation of the UK. Since then many legislative initiatives have been taken by the government to eradicate human trafficking from the UK. However, not all measures have received equal praise from all quarters. Human rights NGOs have criticised the government for failing to protect the interest of victims. The government is charged with failing to incorporate provisions in legislation that addresses the victims' needs and rights. Moreover, the government has constantly faced opposition for considering human trafficking as a transnational criminal activity

⁶⁷Touzenis, K. (2010), Op cit.

⁶⁸ Ibid.

⁶⁹“An Introduction to Human Trafficking: Vulnerability, Impact and Action” (2008), Op cit.

⁷⁰Rahman (2011), Op cit.

⁷¹Trafficking in Persons Report (2008), Op cit.

⁷²Rahman (2011), Op cit.

⁷³ Ibid.

⁷⁴Goodey, J. (2008), Op cit.

rather than a case of human rights abuse⁷⁵. The Global Slavery Index (2013) gave a rank of 160th to the UK with an expected number of 4,426 people enslaved there in 2013⁷⁶.

The recent political changes in the Arab world have made it difficult to implement new legislation. The UAE has so far remained untouched by the Arab Spring, but the possibility of turmoil cannot be considered as zero. Due to the relative stability in the country and the mounting pressure of human rights organisations to improve the conditions of migrant workers, the UAE has made significant progress in anti-trafficking measures. Nearly 85-90% of the population of the UAE consists of migrant workers. As per the Global Slavery Index (2013) not all migrants in the country are enslaved, but many could find themselves in situations that can foster enslavement⁷⁷. In the UAE the number of people believed to be enslaved in 2013 was 18,713. The global rank of the country was 88th, which was better than that of its neighbour Saudi Arabia, which stood at 82nd position⁷⁸.

Biases in Trafficking Data: Most of the knowledge of human trafficking is based on studies of victims who take shelter or seek assistance from government agencies and NGOs. These studies cannot be assumed to be representative of the entire lot of trafficking victims. Several selection and identification mechanisms are employed for collecting data from victims, which may leave out many victims. Firstly, it is not necessary that all victims of trafficking may live in the same area where the assistance programme is being run. Secondly, some organisations might be using specific selection criteria to determine who qualifies for assistance. For example, in some regions only victims of sexual exploitation are considered to be victims, while those of forced labour are left out. Finally, some of those who are victims of trafficking may decline to receive the support offered. It sometimes happens in cases where victims have family and friends who are willing to support them after rescue that many victims decline assistance to escape stigmatisation⁷⁹.

It is widely accepted by international agencies, governments, and activists that trafficking is a serious problem, but different groups identify trafficking for different purposes and

⁷⁵ Ibid.

⁷⁶ Global Slavery Index (2013), Op cit.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Tyldum, G. Op cit.

different political agendas. There are studies which have focused on migrants who return to their country of origin for the collection of data. These studies require a workable design for identification of victims of trafficking and distinguish them from non-victims. For this a clear definition is required that should include the experiences that would classify an individual to be a victim of trafficking. Convincing the target population to reveal the truth is also required, so that correct identification of victims and non-victims can be accomplished⁸⁰. The lack of conceptual clarity and unity in international efforts is providing ample opportunities for trafficking to flourish. The varied agendas of various groups are having a negative impact on anti-trafficking efforts. These biases have to be removed to ensure standardisation of anti-trafficking measures on a global scale.

2.2.2 Scope

It is impossible to calculate the exact number of victims. Trafficking in human beings is not a uniform phenomenon. Its scope and extent varies very differently in different cultural and political contexts⁸¹. Trafficking in persons is a hidden criminal activity and the number of victims that come into the limelight is only a fraction of the actual number that suffer under the ambit of human trafficking⁸². The United Nations Office on Drugs and Crime (UNDOC) has reported that people are trafficked from 127 countries and exploited in 137 countries across the world⁸³. There are three main stages of trafficking:

- Persons at risk of being trafficked;
- Current victims of trafficking; and
- Former victims of trafficking⁸⁴.

For each stage, the number of people, their characteristics and possibility of entering the next stage is required to be determined. Apart from these quantitative aspects, some qualitative information is also required, such as how does a person enter trafficking, and how their freedom of expression can be determined. These qualitative and quantitative aspects collectively form the scope of human trafficking. However, it is very difficult to determine the exact scope of human trafficking. The dynamics of the trade are constantly

⁸⁰ Ibid.

⁸¹ Touzenis, K. (2010), Op cit.

⁸² Ibid.

⁸³ "Human Trafficking: An Overview" (2008), Op cit.

⁸⁴ Tyldum and Brunovskis (2005), Op cit.

evolving and a range of perspectives evolve overtime. Whatever the case, the statistics available are heavily dependent on a variety of sources, methodologies, and definitions.

In China, trafficking is done to generate revenue for investment based on family ties, while in Russia human beings are sold as if they are any other commodity for sale, focusing on individuals instead of family life⁸⁵. Trafficking in Latin America differs from that carried out in Africa. In Latin America the bulk of victims consists of women being trafficked for sexual exploitation and men for forced labour, while in Africa the trade resembles the age-old slavery where loss of life is high and returns are low⁸⁶. These regional trends require different approaches to deal with them effectively and in a time bound manner. Delay in anti-trafficking initiatives is providing much comfort to traffickers who are constantly increasing their scope of activities in various parts of the world.

There are considerable discrepancies in the number of estimated victims provided by various agencies across the globe⁸⁷. The estimates given by the United States Government Accountability Office (GAO) are based on transnational human trafficking. Thus, they do not include trafficking victims who are internally displaced. The ILO estimated that around 2.45 million people were trafficked both internationally and nationally during 1995 and 2004. The UNODC does not provide the number of estimated victims. It only monitors the national and international patterns of trafficking. The International Organization for Migration (IOM) also does not provide any kind of estimates, except the trafficking cases in which they have actually assisted⁸⁸. The table 2.1 below provides a summary of trafficking estimates given by various international agencies.

⁸⁵ Human Trafficking: An Overview (2008), Op cit.

⁸⁶ Ibid.

⁸⁷ Human Trafficking: A Brief Overview (2009), Op cit.

⁸⁸ Ibid.

Table 2.1: Victim Profile in US Government, ILO, UNODC, and IOM Databases⁸⁹

	US Government	ILO	UNODC	IOM
Main Focus	Global estimate of victims of transnational trafficking	Global estimate of all victims.	Country and regional patterns of international trafficking	Records only those victims who have been actually provided assistance.
Number of Victims	Some 600,000 – 800,000 people trafficked across borders (estimated)	At least 2.45 million people trafficked internationally and internally during 1995 and 2004 (estimated).	Not Available	
Type of Exploitation (%)				
1. Commercial sex	66%	43%	87%	81%
2. Economic or forced labour	34%	32%	28%	14%
3. Mixed and Other	N/A	25%	N/A	5%
Gender and Age of Victims (%)	80% female 50% minors	80% female 40% minors	77% female 9% male 33% children	83% female 15% male 2% not identified 13% minors
Definition of Trafficking Used	Trafficking Victims Protection Act 2000	U.N. Protocol (Palermo Protocol)	U.N. Protocol (Palermo Protocol)	U.N. Protocol (Palermo Protocol)
Criteria for Data Collection	Transnational Trafficking	Internal and transnational trafficking	Transnational Trafficking	Internal and transnational trafficking

Source: GAO (2006)

The above table shows that human trafficking data reported by various organisations is not consistent. There are some countries where legislation only criminalises trafficking for sexual purposes or trafficking of women and minors for sexual exploitation. Cases of

⁸⁹ Ibid.

forced labour and labour exploitation are not included under the ambit of trafficking in persons. This also results in varied estimates of human trafficking data.

Gradually, things are improving at the reporting level. Most of the countries have by now adopted the Palermo Protocol. This has standardised the definition of human trafficking on a global scale. More details about the affects of the Palermo Protocol on the scope of human trafficking are covered in section 2.3.2.

2.2.3 Profits and cost of human trafficking

Human trafficking earns huge profits for the traffickers and involves a relatively low amount of risk⁹⁰. The business is lucrative as there is ample supply and the demand is growing⁹¹. Tackling human trafficking would be effective if both the demand and supply aspects are addressed properly. The Rose Collar Foundation has estimated that the global human trafficking activities account for \$9.5 billion to \$31.6 billion profits. Out of these profits nearly \$4 billion can be attributed as generated from the worldwide brothel industry⁹². It is also estimated that human trafficking is the fastest growing criminal industry in the world and could surpass the illegal drug trade within the next five years⁹³.

The ILO in its 2005 report, A Global Alliance against Forced Labour, estimated that human trafficking generated annual global profits of around US \$31.6 billion⁹⁴. Out of these profits, nearly \$15.5 billion were made in industrialised countries. The Asia and Pacific region generated \$9.7 billion, this amounts to one-third of the global profits, the transition countries accounted for \$3.4 billion, while the profits for the Middle East and North Africa were pegged at \$1.5 billion⁹⁵.

It is difficult to ascertain the cost of the crime of human trafficking in monetary terms. The difficulty arises in quantifying the impact of human trafficking in terms of its economic costs⁹⁶. These include many elements, such as the value of all resources devoted to the

⁹⁰ Human Trafficking: A Brief Overview (2009), Op cit.

⁹¹ Ibid.

⁹² Human Trafficking is the Second-Largest Organized Crime in the World, Op cit.

⁹³ Ibid.

⁹⁴ Human Trafficking: A Brief Overview (2009), Op cit.

⁹⁵ Ibid.

⁹⁶ An Introduction to Human Trafficking: Vulnerability, Impact and Action (2008), Op cit.

prevention of human trafficking, the treatment and support expenses of victims, and the apprehension and prosecution of offenders⁹⁷. Other costs are a result of the loss of human resources and reductions in the tax revenues of the governments⁹⁸. In the Cost of Coercion (2009) report, ILO has estimated that the total financial cost of coercion experienced by forced labour, including those being trafficked, would be more than \$20 billion⁹⁹. Costs of human trafficking also include underpayment of wages either due to excessive overtime or due to some work which is unpaid or inadequately remunerated¹⁰⁰.

2.3 Definitions

The conceptual meaning of trafficking as defined in the dictionary denotes a trade in something that should not be traded in¹⁰¹. Human trafficking involves the criminal exploitation of human beings where they are treated as commodities for profit and are subjected to long-term exploitation after being trafficked¹⁰². Trafficking in persons is a crime against an individual, whereby the rights of an individual are violated and his/her security jeopardised¹⁰³. It is a crime committed, more importantly, against an individual rather than against the state¹⁰⁴.

One central issue to be dealt with at the start of this study was the actual definition of human trafficking. This is affected by a number of factors, and this can lead to misrepresentation and confusion when seeking clear analysis. Gozdiak and Collett have noted the problems in definitions, showing that definitions of trafficking vary from country to country and, furthermore, that few countries collect data that distinguishes between ‘trafficking, smuggling and illegal migration’¹⁰⁵.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Human Trafficking: A Brief Overview (2009), Op cit.

¹⁰⁰ Ibid.

¹⁰¹ Sen, S. and Nair, P. M. (2004), Op cit.

¹⁰² Ibid.

¹⁰³ “Combating Trafficking in Persons in Accordance with the Principles of Islamic Law”, (2010) UNODC, United Nations, New York, http://www.unodc.org/documents/human-trafficking/islamic_law_tip_e_ebook_18_march_2010_V0985841.pdf (accessed February 5, 2012).

¹⁰⁴ Ibid.

¹⁰⁵ Gozdiak E. M. and Collett E. A. (2005) Research on human trafficking in North America: A review of literature, *International Migration* 43 (1/2)

Further, in a study of the exploitation of women and children for sexual purposes, Parrot and Cummings have noted that national 'reports include statistics that combine undocumented noncitizens crossing national borders with women who are moved for the sole purpose of sexual slavery.'¹⁰⁶ It is worth noting at this point the observations by John Salt¹⁰⁷, when he discusses these problems of definition. He states that,

"The failure to agree on precise definitions is not surprising in what may still be described as a novel migration issue, still under-researched, and where no comprehensive typological studies have been carried out...A clear analysis and agreed statement of the different types of trafficking and trafficked migrants has become essential. The current uncertainties about concepts and definitions will hinder reaching a consensus on legislative and judicial frameworks to combat trafficking at national and international levels".¹⁰⁸

It is clear to the researcher that these problems of definition, albeit somewhat addressed by the Palermo Convention, highlight the importance of research in this field. The observation by Salt that the actual management and structured approaches to tackling the issues raised by trafficking cannot be properly dealt with until a clearer definition is determined is well put. The various forms of slavery or trafficking have also led to differences in the theoretical approaches to identifying, defining and tackling the issues. Some researchers have seen trafficking as a purely criminal activity, whilst others have seen it as an economic problem¹⁰⁹. No doubt these two are connected and any attempt to deal with the issues posed by trafficking will have to look at both of these factors.

Although this crime has caught the attention of the international community and is now increasingly condemned internationally, an effective unified response is still elusive as there is a lack of understanding about this complex crime, slow process of law enforcement and hesitation in supporting victims of human trafficking¹¹⁰. In 2000 an internationally recognised definition of human trafficking was adopted by the UN, which has now become

¹⁰⁶Parrot, A. and Cummings, N. (2008) *Sexual Enslavement of Girls and Women Worldwide*, Westport: Praeger at p.27.

¹⁰⁷Salt, J. (2000) *Trafficking and Human Smuggling: A European Perspective*, *International Migration*, Special Issue 2000/1 at p.31.

¹⁰⁸Ibid at p.34.

¹⁰⁹See, for example, Salt Ibid and RACE (2013) *Victim or criminal? Trafficking for forced criminal exploitation in Europe*.

¹¹⁰ Ibid.

the standard reference¹¹¹. Hence, the definitions of human trafficking can be grouped into two sets: first, before the adoption of Palermo Convention and second, after the Palermo Convention. A detailed discussion on international conventions is provided in chapter 3 of this thesis.

2.3.1 Prior to the 2000 Palermo Convention

The term ‘traffic’ was used around 1900 to refer to the ‘white slave trade’ in women. The Western societies were concerned about the trafficking and voluntary migration of women as concubines or prostitutes from Europe to Arab and Eastern states¹¹². These apprehensions resulted in the adoption of an international agreement for the suppression of the ‘white slave trade’ in 1904¹¹³. Under this agreement, the trafficking in women was considered to be for immoral purposes when it required crossing borders, but in 1910 the agreement was modified to include the movement of women for immoral purposes within the national borders also¹¹⁴.

Acknowledging the link between trafficking and forced labour, the ILO has taken steps to combat the problem since its formation in 1919¹¹⁵. To strengthen international campaigns against forced labour, the ILO adopted the Forced Labour Convention in 1930 followed by the Abolition of Forced Labour Convention in 1957¹¹⁶. To prevent forced labour of children, the ILO came up with the Convention on the Worst Form of Child Labour in 1999¹¹⁷.

The problem with all these references to human trafficking was that they resulted in no internationally agreed definition of the crime. The term ‘trafficking’ was used by various agencies for various kinds of activities, which varied from voluntary, facilitated migration,

¹¹¹ Human Trafficking: A Brief Overview (2009), Op cit.

¹¹² “Human Rights and Trafficking in Persons: A Handbook” (2000), Global Alliance against Trafficking in Women,
<http://www.ungift.org/docs/ungift/pdf/knowledge/Human%20Rights%20and%20Trafficking%20in%20Person.pdf>,
(Accessed June 23, 2012).

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ “Human Trafficking and Forced Labour Exploitation” (2005), International Labour Office, Geneva,
http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081999.pdf,
(Accessed June 30, 2012).

¹¹⁶ Ibid.

¹¹⁷ Ibid.

to exploitation for prostitution, to the movement through coercion, violence, etc.¹¹⁸. As experience grew of this problem and new facets were known, the need for an internationally acceptable and comprehensive definition was largely felt. This need resulted in the adoption of the Palermo Convention in 2000.

2.3.2 As Stated in the 2000 Palermo Convention

In 2000 The Committee of Ministers to the Member States of the Council of Europe (CoE) defined trafficking in human beings for sexual exploitation as:

"The procurement by one or more natural or legal persons and/or the organisation of the exploitation and/or transport or migration – legal or illegal – of persons, even with their consent, for the purpose of their sexual exploitation, inter alia by means of coercion, in particular violence or threats, deceit, abuse of authority or of a position of vulnerability"¹¹⁹.

The Committee considered that the human trafficking activities for the purpose of sexual exploitation had increased in Europe and were related to other type of crimes like drugs and arms trafficking and money laundering. It called on the Member States to review their legislation and bring the recommendations of the Committee to the notice of all relevant public and private bodies¹²⁰. This definition acted as a guiding reference for all the member countries of the Council of Europe. A more detailed and elaborate definition of human trafficking was given in the Palermo Protocol, which has been ratified by most of the countries.

After three years of deliberations the international community arrived at the definition of human trafficking as found in Article 3 of the United Nations protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children¹²¹, commonly known as the Palermo Convention. The Council of Europe adopted the Convention on Action against Trafficking in Human Beings in 2005. The definition of human trafficking provided in this Convention is very much in line with that given in the Palermo

¹¹⁸ Human Trafficking and Forced Labour Exploitation (2005), Op cit.

¹¹⁹ Recommendation No. R (2000) 11 of the Committee of Ministers to Member States on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation, Council of Europe, Committee of Europe, <https://wcd.coe.int/ViewDoc.jsp?id=355371>, (accessed June 25, 2012).

¹²⁰ Ibid.

¹²¹ Touzenis, K. (2010), Op cit.

Convention. The widely accepted definition of human trafficking as given in the Palermo Convention is:

"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"¹²².

The definition clearly defines that human trafficking means taking control of a person by using the threat or force or deception to obtain the consent of the victim for the purpose of any kind of exploitation including the removal of organs. It highlights the point that the consent of victims cannot provide relief for the traffickers if any of the means of trafficking (as mentioned below) is present. Moreover, if the victim is under the age of 18, then the consent would be irrelevant¹²³.

This definition has three distinct elements which must be present to define trafficking, except in the case of children where trafficking does not require illegal means¹²⁴. These three elements are given in table 2.2.

Table 2.2: Elements of Trafficking¹²⁵

Act (what is done)	Means (how it is done)	Purpose (why it is done)
Recruitment	Threat or use of force	Exploitation, including Prostitution of others
Transport	Coercion	Sexual exploitation
Transfer	Abduction	Forced labour
Harbouring	Deception	Slavery or similar practices
Receipt	Fraud	Removal of organs
	Abuse of power or vulnerability	
	Giving payments or benefits	

¹²² Ibid.

¹²³ "Understanding Human Trafficking and People Smuggling" (2010), Policy Brief: No. 2/2010, Pacific Immigration Directors' Conference, <http://www.pidcsec.org/files/PolicyAndResearch/20100924%20Policy%20brief%20-%20Human%20Trafficking%20and%20People%20Smuggling.pdf>, (accessed July 05, 2012).

¹²⁴ Touzenis, K. (2010), Op cit.

¹²⁵ Ibid.

This classification of various activities of human trafficking is very helpful for the law enforcement officers as it provides a standard method of identifying the cases of human trafficking. Prosecutors and enforcement officials have a useful list of the methods adopted by traffickers and therefore they do not need to consult the rule book for each and every case.

2.4 Causes of Human Trafficking

Currently, knowledge about the causes of human trafficking is very limited as it is difficult to identify the causal relationships¹²⁶. Efforts to combat human trafficking will be more focused if the root causes of trafficking are addressed properly. By analysing the root causes, preventive measures can be taken in a more effective manner. Since trafficking is a complex process, its causes are also very complex and varied and differ from country to country¹²⁷. The causes of human trafficking are not limited to the individual level, but they are active at the household, community, regional, institutional, and systematic levels¹²⁸.

The causes of human trafficking are very complex and also result from the gap between demand and supply. The supply of victims is primarily encouraged by societal norms and personal conditions, whereas the demand for cheap labour and prostituted women, girls and boys acts as a “pull” factor¹²⁹. One of the factors that contributes to human trafficking is globalisation as it allows goods, services and people to move across borders freely¹³⁰. However, there is no clear cut direction in which trafficking will occur. It has been found that trafficking occurs, not only from developing to developed countries, but also within developing countries¹³¹. Generally, people are trafficked from countries where there are economic, political or social problems to places with higher standards of living, but this

¹²⁶ An Introduction to Human Trafficking: Vulnerability, Impact and Action (2008), Op cit.

¹²⁷ Human Rights and Trafficking in Persons: A Handbook (2000), Op cit.

¹²⁸ Human Trafficking: A Brief Overview (2009), Op cit.

¹²⁹ “Trafficking in Persons Report, (2007)”, Department of States, United States of America, <http://www.state.gov/documents/organization/82902.pdf>, (accessed August 05, 2012).

¹³⁰ Margarida, A. (2009), "Human Trafficking and Global Policy: A Study on the Casual Factors of Human Trafficking", Social Work Student Papers, http://digitalcommons.providence.edu/cgi/viewcontent.cgi?article=1035&context=socialwrk_students, (accessed June 30, 2012).

¹³¹ Human Rights and Trafficking in Persons: A Handbook (2000), Op cit.

should never be considered as a rule, as the routes of trafficking are designed by the traffickers and it can also occur in the reverse direction¹³².

Another factor that is also considered as an important contributor to trafficking is poverty. Human trafficking and poverty are interlinked with each other in a very complex manner¹³³. Due to their few income options and lack of opportunities to exert power, poor people are most vulnerable to trafficking. But, again it is not necessarily only the poor that are vulnerable to human trafficking. Although the cases of human trafficking are largely dominated by the poor from developing countries, well-to-do people have also been found among the victims¹³⁴.

The major factors that affect the vulnerability of people to trafficking are primarily economic, social, cultural, legal and political in nature¹³⁵. The economic factors such as unemployment and lack of access to opportunities result in the migration of people to places where job conditions are better. This makes them susceptible to human trafficking. Marginalisation in society based on gender, ethnicity and low status involving discrimination in education, employment practices, access to legal and medical facilities results in social exclusion of people¹³⁶.

Social and cultural factors are more sensitive in nature as cultural practices such as arranged, forced or early marriages, temporary marriages and social factors like gender based discrimination are deep rooted in many societies¹³⁷. These must not be generalised and need to be addressed with caution. Legal factors also contribute to increasing the vulnerability of trafficking in humans if the person lacks the ability to access the criminal justice system. This may happen if the person is either a foreigner, or lacks access to legal representation, or there is no proper system that offers appropriate remedy. In addition to these social, economic and cultural factors, transitional societies witnessing civil unrest,

¹³²Ibid.

¹³³ Human Trafficking: An Overview (2008), Op cit.

¹³⁴ Ibid.

¹³⁵ Combating Trafficking in Persons: Handbook for Parliamentarians, (2009), UNODC, http://www.unodc.org/documents/human-trafficking/UN_Handbook_engl_core_low.pdf (accessed January 30, 2012).

¹³⁶ Ibid.

¹³⁷ Ibid.

loss of national identity and political instability, provide ample opportunities to traffickers to exploit extremely vulnerable people¹³⁸.

Although the list of contributing factors is not exhaustive, some of the common factors that are most frequently considered to contribute to the spread of human trafficking are listed in table 2.3.

Table 2.3: Causes of Human Trafficking¹³⁹

Poverty and unemployment
Globalisation of the economy
Feminisation of poverty and migration
Development strategies e.g. tourism
Armed conflict situation
Gender-based discrimination
Laws and policies on migration and migrant labour
Laws and policies on prostitution
Corruption of authorities
High profits – involvement of organised crime
Cultural and religious practices

Trafficking in human beings is not the result of a few causes only. In fact, multiple factors are responsible for this flourishing trade. Poverty and unemployment are the prime culprits. Globalisation is also regarded as a serious threat to anti-trafficking efforts. It has enabled the mass movement of people from one country to another, thereby facilitating the activities of traffickers. Even the tourism industry is partly responsible for trafficking as demand for cheap labour at tourist hotspots creates demand for trafficked people. At present there is war in many parts of the world. These regional conflicts provide ample opportunities to traffickers to recruit their victims from these areas. Overall, factors like poverty, unemployment, socio-cultural practices degrading women, increase in prostitution, lack of information, gender imbalances, high level of demand for cheap

¹³⁸ Ibid.

¹³⁹ Human Rights and Trafficking in Persons: A Handbook (2000), Op cit.

labour, as well as sex workers, puts a large section of populations of many countries at higher risk of being trafficked¹⁴⁰.

The causes of human trafficking in the West African region can be grouped into two classes: intermediate causes and deep structural causes. Intermediate causes like lack of jobs in rural areas, children seeking more freedom, etc. can be taken care of easily. The deep structural causes such as societal norms, regional inequalities, and national indebtedness, etc. are long-term in nature and thus need long-term solutions¹⁴¹.

The root causes of human trafficking like poverty, unemployment, conflicts, corruption, etc. are interlinked with each other and are derived from the socio-economic and political conditions of the people¹⁴². The root causes of human trafficking can be grouped into two categories: personal circumstances and structural factors¹⁴³. Personal circumstances may result in low self-esteem and lack of self-control in a person, making him/her more vulnerable to trafficking. Problems at home such as break-up of the family, marital discord, physical abuse, sexual abuse, drug use, family pressure, large families, children in substitute care, desertion by husbands, husbands acquiring a second or third wife, a family member involved in commercial sex work, etc. are the personal circumstances which create vulnerability¹⁴⁴.

Structural factors consist of environmental factors like industrialisation and globalisation, economic crises, economic policies like privatisation and liberalisation, promotion of sex tourism, commercialisation of agriculture, loss of traditional livelihoods, inflation, political conflicts, human rights violations, poor governance, limited law enforcement, and environmental calamities that all make people more prone to trafficking¹⁴⁵.

Abdul Hamid Ahmad, editor-in-chief of Gulf News, speaking on the side-lines of the Human Trafficking and Media Conference highlighted the exported nature of human

¹⁴⁰Touzenis, K. (2010), Op cit.

¹⁴¹ Ibid.

¹⁴²Sen, S. and Nair, P. M. (2004), Op cit.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

trafficking in the UAE¹⁴⁶. The most significant cause of human trafficking in the UAE was the demographic structure, making it an entirely exported crime for the UAE including the buyers, sellers and victims¹⁴⁷. However, a report by the Congressional Research Service observed that some of the human rights problems like human trafficking are occurring in the UAE because the government is relatively lax in some cases¹⁴⁸.

2.5. Slavery:

Contemporary slavery has been defined as a ‘social and economic relationship in which a person is controlled through violence or paid nothing, and economically exploited’¹⁴⁹. Slavery has been practiced in all the major civilizations of the world, including those in Mesopotamia, China, India and Egypt and is considered to be as old as human civilization¹⁵⁰. None of the major old religions of the world took firm positions against slavery. The most common source of acquiring slaves was through wars or through territorial conquests¹⁵¹. Slavery became so rampant in the earlier societies that even common people could afford to have one or two slaves¹⁵².

The Supplementary Convention on the Elimination of Slavery, Slave Trade, and Institutions, and Practices Similar to Slavery (1957) repeated the definition of the Anti-slavery Convention of 1926 which defines slavery as ‘the status or condition of a person over whom any or all of the powers attaching to the rights of ownership are exercised’¹⁵³.

¹⁴⁶ “Transparency Key in Fight against Human Trafficking”, UAE Crime, April 13, 2011, <http://gulfnews.com/news/gulf/uae/crime/transparency-key-in-fight-against-human-trafficking-1.791224>, (accessed July 01, 2012).

¹⁴⁷ Ibid.

¹⁴⁸ Katzman, K. (2012), “The United Arab Emirates (UAE): Issues for US Policy”, CRS Report for Congress, <http://www.fas.org/sgp/crs/mideast/RS21852.pdf>, (accessed July 01, 2012).

¹⁴⁹ Rahman (2011), Op cit.

¹⁵⁰ “Human Trafficking and Slavery”, (2004), *The CQ Researcher*, Vol. 14, No. 12, pp. 273-296.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Touzenis, K. (2010), Op cit.

This definition considers that slavery occurs even if the victim has received some amount of compensation, making it difficult for the perpetrators to escape prosecution by paying their victims¹⁵⁴.

2.5.1 Slavery in the Ancient World

Slaves in the ancient period originated from the spoils of wars, kidnap or due to their inability to pay for their debts¹⁵⁵. In the majority of the cases slaves were considered to be the property of their masters, having little or no rights and status in the society¹⁵⁶. Although they suffered harsh treatment from their masters, in some societies rules were framed to regulate the practice of slavery, such as the Babylonian Code of Hammurabi (1750 BC)¹⁵⁷. It is surprising to note that neither the Bible nor any of the great thinkers of that period opposed slavery. Some like Aristotle were, in fact, amongst the vigorous defenders of it¹⁵⁸.

Aristotle said in his book *Politics* that ‘Those who are to cultivate the soil should best of all, if the ideal system is to be stated, be slaves [...]’¹⁵⁹. In ancient Greece, it is estimated that the percentage of slaves in the society was around 15-30% of the total population¹⁶⁰. In Roman society some slaves were treated harshly and punished ruthlessly for minor mistakes¹⁶¹. In the times of Augustus, it is estimated that there were 1 million slaves owned by the richest five per cent of Romans, while another 2 million slaves out of a total population of 7.5 million were employed in other works¹⁶². However, gradually the condition of slaves improved over time as the concept of equality of all men gained popularity¹⁶³.

¹⁵⁴ Ibid.

¹⁵⁵ Meager, D. (2006), “Slavery in Bible Times”, *Cross†Way*, Issue Autumn, No. 102, http://www.churchsociety.org/crossway/documents/Cway_102_Slavery1.pdf, (accessed June 29, 2012).

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Human Trafficking and Slavery (2004), Op cit.

¹⁵⁹ “Bound to Serve: Slaves in Ancient Greek”, The Greek World, <http://www.shc.ed.ac.uk/classics/undergraduate/ancient/documents/Handout21BoundtoServe-SlavesinAncientGreece.PDF>, (accessed June 29, 2012).

¹⁶⁰ Ibid.

¹⁶¹ Meager, D. (2006), Op cit.

¹⁶² Ibid.

¹⁶³ Ibid.

2.5.2 Slavery in the Modern World

Despite being criticised morally and legally, slavery is still present in the world and is even expected to be a flourishing trade¹⁶⁴. Although it has been abolished for almost a century now, slavery is still practiced in the form of human trafficking, prevalent everywhere in our societies and communities¹⁶⁵. According to an estimate, at present there is almost double the number of slaves than those which came from Africa in the Trans-Atlantic slave trade¹⁶⁶. Except Iceland and Greenland, where slavery has not been recorded, slavery is present in all the countries of the world, thus, making it a global issue. The majority of modern-day slaves are located in South Asia, numbering anywhere between 15 and 20 million. Slavery is also found in places like Southeast Asia, Northern and Western Africa, and parts of South America¹⁶⁷.

The old form of slavery mostly involved Africans being enslaved on the basis of their race and capabilities¹⁶⁸. These slaves were exploited by their masters and were usually enslaved for their whole lives. However, modern-day slavery is beyond the bounds of racial lines and is occasionally temporary in duration¹⁶⁹. Modern-day slavery has many facets depending on the place where it occurs. In places like Asia, Africa, Latin America and Middle East, 90% of slavery is in the form of forced labour, but in countries of the industrialised world, commercial sexual exploitation accounts for 75% of slavery¹⁷⁰. Nearly 80% of all the modern-day slaves around the world are women¹⁷¹. The modern form of slavery is characterised by the presence of profit as the main motive behind it with no regards for societal and personal consequences¹⁷².

¹⁶⁴ Gerber, R. (2010), Op cit.

¹⁶⁵ Rahman (2011), Op cit.

¹⁶⁶ Gerber, R. (2010), Op cit.

¹⁶⁷ Ibid.

¹⁶⁸ Rahman (2011), Op cit.

¹⁶⁹ Ibid.

¹⁷⁰ Gerber, R. (2010), Op cit.

¹⁷¹ Ibid.

¹⁷² “UK Action Plan on Human Trafficking” (2007), http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/UK_Action_Plan_to_Combat_Human_Trafficking_en.pdf, (accessed June 28, 2012).

2.5.3 Timeline for the Abolition of Slavery

Table 2.4: Timeline for Abolition of Slavery¹⁷³

Year	Action
19th Century	Abolition of slavery in much of the world
1821	US congress enacts Missouri Compromise, specifying which state to abolish slavery.
1833	England outlaws slavery throughout its empire.
1839	Anti-slavery International founded in England.
1848	Slavery abolished in French colonies.
1863	President Abraham Lincoln issues Emancipation Proclamation.
December 1865	The 13 th Amendment abolishes slavery.
1873	Spain ends slavery in Puerto Rico.
1888	Brazil outlaws slavery.
1900-1990	International Treaties to Halt Slavery Adopted
1919	International Labour Organization (ILO) founded.
1926	League of Nations outlaws slavery.
1945	United Nations is founded.
1946	UN Children Fund is established.
1948	UN's Declaration of Human Rights prohibits slavery.
1951	International Organization for Migration is founded to help migrants.
1956	Supplementary Convention on the Elimination of Slavery, Slave Trade, and Institutions, and Practices Similar to Slavery outlaws debt bondage, serfdom, and other forced-labour practices.
1978	Human Rights Watch is founded.
1983	Sudan's civil war begins, leading to increase in slaves.
1990s	The end of the Cold War and other geopolitical changes allow trafficking and slavery to expand
1991	Collapse of Soviet Union lead to the dramatic increase in trafficking in Eastern Europe.
1994	American Anti-Slavery group is founded.
1995	Christian and non-governmental organisations began redeeming slaves in Sudan.
June 1, 1999	ILO adopts the Worst Forms of Child Labour Convention.
2000 – Present	Renewed Efforts to Fight Trafficking
March 2000	Free the Slaves is founded.

¹⁷³Human Trafficking and Slavery (2004), Op cit.

Oct. 28, 2000	US President Bill Clinton signs the Trafficking Victims Protection Act.
Nov. 15, 2000	UN approves the Protocol to Prevent, Suppress and Punish the Trafficking in Persons.
Feb. 14, 2002	Polaris Project is founded to fight trafficking.
June 10, 2002	US States Department's Office to Monitor and Combat Trafficking releases its first "Trafficking in Persons Report".
March 11, 2003	Brazilian President LuizInacio Lula de Silva unveils anti-slavery initiatives.
Sept. 19, 2003	US President Bush signs Trafficking Victims Protection Act Reauthorisation.
Sept. 23, 2003	US President Bush delivers a major anti-trafficking address at the UN General Assembly.
January 2004	UN launches year-long commemoration of anti-slavery movement.

This timeline depicts how legally slavery was abolished from the world. It shows not only the steps taken by the international community to wipe-out slavery from the surface of the earth, but also the initiatives that were taken to tackle the modern form of slavery, that is, human trafficking. It can be observed that major changes in the world political environment had asignificant impact on the practices of slavery. It was during periods of political stability thatthe international community triedto take measures to combat slavery and related practices.

2.5.4 Relationship between Human Trafficking and Slavery

Trafficking in human beings is often described by many researchers as the modern form of age-old slavery. A few have regarded it as a 'contemporary' form of slavery, which means that it is different from the traditional form of slavery as it does not define the legal ownership of people¹⁷⁴. Trafficking and slavery have been used synonymously but they are not basically the same. The Slavery Convention stipulated that the key element of slavery is the right of ownership, but in the context of trafficking subsequent exploitation amounts to slavery¹⁷⁵. It may be noted here that if exploitation takes place

¹⁷⁴Touzenis, K. (2010), Op cit.

¹⁷⁵ Ibid.

even outside slavery then it should be considered as the clear case of trafficking. Thus, the absence of slavery does not imply the absence of trafficking¹⁷⁶.

The precise definitions of slavery and trafficking can be cited from the Geneva Convention on the Abolition of Slavery, adopted by the League of Nations in 1926, and the Supplementary Convention of 1956. Slavery is described as ‘the possession of a person and exercise over the same of any all the powers attributing to the right of ownership’¹⁷⁷. Human Trafficking is described by the Geneva Convention as:

"a practice which include the act of capturing, acquisition, or conferment of a person to reduce the same to slavery, as well as every act of acquisition or conferment by sale or exchange, and, in general, every act of trading or transport of slaves"¹⁷⁸.

These two definitions specify that human trafficking is wider in its scope as it includes slavery and other forms of sale and exchange of people.

2.6 Human Trafficking and Migrant Smuggling

2.6.1. Introduction

Humans have always migrated - in search of food and water, forming new alliances, occupying new territories and displacing other people by force and thus have inhabited new lands and territories¹⁷⁹. Still this migration is going on, fuelled by the need for protection and the attraction of opportunities¹⁸⁰. There are formal systems in place which govern this movement of people across different nation states. However, many people

¹⁷⁶ Ibid.

¹⁷⁷ “Introduction to Human Trafficking”, Chapter One, <http://www.hsph.harvard.edu/population/trafficking/nigeria.traf.03-05.pdf>, (accessed July 03, 2012).

¹⁷⁸ Ibid.

¹⁷⁹ “Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence” (2010), International Council on Human Rights Policy, Geneva, Switzerland, http://www.ichrp.org/files/reports/56/122_report_en.pdf, (accessed July 03, 2012).

¹⁸⁰ Ibid.

migrate outside the formal system of employment as the legal means of migration are not accessible to them¹⁸¹. Such illegal migration of people is termed as ‘human smuggling’.

Researchers have found a link between human trafficking and smuggling, formed due to the payment of huge fees by the migrant to the smugglers and as a result becoming trapped in virtual ‘debt bondage’¹⁸². The International Organization for Migrants (IOM) has cited the case of illegal Chinese workers working in the restaurants of the United States who had to spend their nights in locked-up prison-like dormitories and all of their salaries were handed over to the smuggling organisers¹⁸³.

2.6.2 Definition of Migrant Smuggling

The Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the International Convention against Transnational Organised Crime (2000), defined migrant smuggling as:

"The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the legal entry of the person into a State Party of which the person is not a national or a permanent resident"¹⁸⁴.

Smuggling, as defined here, is to secure entry of a person into some country of which he or she is not a national. For providing this service, smugglers charge a fee which is often a hefty amount. Thus, the two critical elements of this definition are – illegal crossing of a border by a smuggled person and a smuggler getting some form of material benefit for facilitating this¹⁸⁵.

¹⁸¹ “Trafficking in Women, Forced Labour and Domestic Work in the Context of the Middle East and the Gulf Region” (2006), Working Paper, Anti-Slavery International.

¹⁸² David, F. (2000), “Human Smuggling and Trafficking: An Overview of the Response Level at the Federal Level”, Australian Institute of Criminology, Research and Public Policy Series No 24, http://www.aic.gov.au/documents/7/F/5/%7B7F54421B-F3B9-49C5-8D82-B87F34083D3B%7Dfull_report.pdf, (accessed July 06, 2012).

¹⁸³ Ibid.

¹⁸⁴ Battistella, G. “Irregular Migration”, Chapter 8, World Migration, <http://www.iadb.org/intal/intalcdi/PE/2008/02382a10.pdf>, (accessed July 03, 2012).

¹⁸⁵ Bhabha, J. (2005), “Migration Information Source - Trafficking, Smuggling and Human Rights”, Harvard University, http://www.childtrafficking.com/Docs/migration_funda_1007.pdf, (accessed July 06, 2012).

Migrant Smuggling has also been termed as ‘irregular migration’ and persons who have been smuggled as ‘irregular migrants’ in some reports on the topic. The International Council on Human Rights Policy defines an irregular migrant as:

"An irregular (or undocumented) migrant is a person who lacks legal status in a transit or host country. It refers to people who entered the territory of the state without authorization, as well as to those who entered the country legally and subsequently lost their permission to remain"¹⁸⁶.

2.6.3 The Scale of Human Smuggling and Trafficking

Like human trafficking, it is not possible to determine the exact number of illegal immigrants worldwide. This activity is secretive, illicit and one controlled by transnational organised crime syndicates, making it difficult to arrive at correct numbers¹⁸⁷. Since 1965, the number of international migrants has almost doubled to 175 million individuals at the start of the new millennium¹⁸⁸.

As per current estimates, nearly 3.1% of the world’s population, numbering around 214 million individuals, are international migrants¹⁸⁹. Out of these, as per United Nations estimates, the number of irregular or undocumented migrants is approximately 30 to 40 million¹⁹⁰. These constitute around 15 to 20% of all international migrants. Annually, it is estimated that 800,000 people are smuggled across borders¹⁹¹. Between 1.9 and 3.8 million people in the European Union and 10.3 million people in the United States are assumed to be irregular migrants¹⁹². In Asia, nearly 30 to 40% of all migration flow occurs through fraudulent means and can be termed as irregular. In the United States and Europe, one in every five migrants is believed to have entered illegally or have overstayed a visa¹⁹³.

These numbers are quite significant. They clearly indicate that many of these people are at high risk of being exploited by traffickers. In the case of Asia, where 30-40% of

¹⁸⁶ Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence (2010), Op cit.

¹⁸⁷ Bhabha, J. (2005), Op cit.

¹⁸⁸ Ibid.

¹⁸⁹ Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence (2010), Op cit.

¹⁹⁰ Ibid.

¹⁹¹ Bhabha, J. (2005), Op cit.

¹⁹² Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence (2010), Op cit.

¹⁹³ Ibid.

migrant flow is through illegal means, this depicts a very gloomy picture. These illegal migrants are easy targets for traffickers who keep them under constant threat of reporting their case to the authorities and hence exploit them at their will. The condition of women who are smuggled across international borders is much worse. They are promised decent jobs in developed countries and then transported by illegal means to the destination country. Upon arrival they are forced into prostitution for which they are not even paid.

2.6.4 Causes of Migrant Smuggling

Illegal migration is an outcome of various social and economic dimensions present in the globalised world¹⁹⁴. There is a mismatch between national labour markets - demand and supply - creating opportunities for the majority of people in the major regions of the world to seek employment in other countries. Social networks comprising of family and friends provide the necessary information and contacts to illegal migrants for their unauthorised entry into a foreign country and their subsequent insertion into the workforce¹⁹⁵.

Apart from these social networks, there are more structured recruitment systems which are involved in every stage of migrant smuggling. Beginning with advertising and recruitment in the country of origin, to making contact with migration officers for the smooth passage of illegal migrants and finally making links with brokers and employers for their work¹⁹⁶. These recruitment systems are not static but are dynamic in the sense that they keep on changing their forms and settings based upon the market needs and the opening and closing of routes in response to enforcement patterns¹⁹⁷.

2.6.5 Distinction between human trafficking and migrant smuggling

Trafficking in persons and human or migrant smuggling are often considered to be one and the same thing. However, they are two different terms and it is imperative to distinguish between them. Trafficking is much more than the organised movement of people for the sake of profit only. Trafficking is different from migrant smuggling as it additionally involves force, deception, abuse of situations of vulnerability, during or at

¹⁹⁴Battistella, G., Op cit.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

some of the stages of the process and is meant for the exploitation of victims¹⁹⁸. The Anti-trafficking in Persons Act 2003 brings out the differences between human trafficking and human smuggling as trafficking is usually accompanied by coercion while in smuggling this element is absent¹⁹⁹. Furthermore, migrant smuggling is done for a fee whereby the person is facilitated illegal entry into another country. Human trafficking is accompanied by exploitation of the trafficked person. Human trafficking is concerned with human rights issues while human smuggling is a migratory issue²⁰⁰. The key differences between human trafficking and migrant smuggling are provided in table 2.5.

Table 2.5: Differences between Human Trafficking and Migrant Smuggling²⁰¹

	Human Trafficking	Migrant Smuggling
Action(s)	Recruitment, transportation, transfer, harbouring or receipt of a person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position vulnerability or of the giving or receiving of payments or benefits.	Procurement of illegal entry of a person into a country of which the person is not a national or permanent resident.
Trans-nationality	Not required	Required
Consent of the trafficked or smuggled person	Irrelevant once the means are established. For children, the consent is irrelevant regardless of the means.	The smuggled person consents to the smuggling
Purpose	Exploitation which includes: a) Prostitution and other forms of sexual exploitation b) Forced labour and services c) Slavery and similar practices d) Involuntary servitude e) Removal of organs	For financial or other material benefit.

¹⁹⁸Recommendation No.R (2000) 11, Op cit.

¹⁹⁹Eweh, V. N. (2005), "Human Trafficking and Child Labour in Africa: Man's Inhumanity to Man", PhD Dissertation, The European University Center for Peace, Austria, <http://epu.ac.at/fileadmin/downloads/research/Eweh.pdf>, (accessed July 05, 2012).

²⁰⁰ Ibid.

²⁰¹ Human Trafficking: A Brief Overview (2009), Op cit.

The basic difference between human trafficking and migrant smuggling is that human trafficking is usually not undertaken with the consent of the victim, but in migrant smuggling consent of the smuggled person is there. Smuggling is an activity that requires transport of people from one country to another. However, this is not the case with trafficking, which can even occur within the boundaries of a country. Coercion, abduction, threats, transportation and abuse of power are some of the key features of trafficking whereas migrant smuggling involves only illegal entry into a foreign country. The purposes of trafficking are entirely different from those of smuggling. Trafficking is undertaken to exploit people for prostitution, forced labour, slavery and similar practices, involuntary servitude, and for removal of organs. On the other hand, migrant smuggling is usually done for the prime purpose of financial benefits.

As a checklist the International Organization for Migration (IOM) has identified a few aspects that, if present, will result in international migratory movements being considered as ‘trafficking’:

- Money or any form of payment changes hands;
- A facilitator – the trafficker – is involved;
- An international border is crossed;
- Entry is illegal; and
- The movement is voluntary.

Four significant differences between migrant smuggling and trafficking were identified by UNODC (United Nations Office of Drugs and Crime)²⁰². These differences are:

- (a) Consent: Migrant smuggling is often undertaken in dangerous or degrading conditions where migrants have consented to be smuggled. In trafficking, either the consent is altogether absent or if initially present, then that consent is rendered meaningless by the coercive, deceptive or abusive conditions of the traffickers;
- (b) Exploitation: The task of smugglers ends when the migrants reach their destination whereas trafficking involves ongoing exploitation of the victim to generate illicit profits for the traffickers. Trafficking victims are in need of more protection and counselling because they are more traumatised by their experiences, which usually involve breach of

²⁰²“An Introduction to Human Trafficking: Vulnerability, Impact and Action” (2008), Op cit.

trust and victimisation by someone whom they might have once considered as their saviour.

(c) Source of Profits: Financial benefits derived from both the crimes come from different activities. In migrant smuggling, the profit is usually obtained from the illegal migrants even before they are transported from one country to another. In trafficking, there are fair chances that the traffickers might have to invest in the victim to transport them from the source country. The return on investment begins once the victim reaches the destination country where the key source of criminal income is through exploitation of victims.

(d) Transnationality: Smuggling is always transnational whereas trafficking may or may not be so. In migrant smuggling, the migrants have to cross national boundaries by illegal means. In cases of trafficking, the victim may be trafficked within or outside the country of origin.

2. 7 National and International Actors in Anti-trafficking Efforts

In recent years, there has been a strong trans-regional prevalence of anti-trafficking efforts. The various actors involved in anti-trafficking efforts include national governments, their specialised agencies, international organisations, and non-governmental organisations (NGOs). These actors are engaged in various kinds of activities in every region. In some regions their impact is more visible while in others they are not particularly active. This may be due to variations in the problems of countries as source, transit and destination for trafficking victims. In the area of enforcement, NGOs have developed strategies for the identification and reporting of traffickers and predators of potentially trafficked persons to the appropriate agencies belonging to government or international organisations²⁰³.

The role of many NGOs in anti-trafficking activities has become important as they gather evidence against traffickers from the ground level. They are more closely associated with the people and have a greater chance of identifying potential victims. Some organisations like ‘Stop the Traffic’, have launched websites that encourage and enable site visitors to report any evidence that they may have witnessed related to trafficking. This is a

²⁰³Foot, K. (2010), “Actors and Activities in the Anti-Human Trafficking Movement”, The Dark Side of Globalization, United Nations Press.

convenient method of engaging common people in anti-trafficking efforts. Anti-trafficking efforts are not going to succeed in the long-run if they are not tuned with the changing dynamics of the game. There is a need to triangulate the findings that are present over the internet with those that can be collected by directly contacting people in various regions. The roles of various national and international actors involved in anti-trafficking efforts are explained as follows²⁰⁴:

2.7.1 National Actors

(a) Governments: National governments shoulder the prime responsibility of combating trafficking activities. The efforts of various governments vary in each country. Some governments have ratified the Palermo Protocol while others are still pondering over the issues. Governments can effectively fight trafficking by criminalising trafficking and related activities in their territories. A national strategy to fight domestic, regional and international trafficking will help the governments to effectively deal with trafficking.

(b) Government Agencies: Laws and regulations adopted by governments are implemented through various government agencies like law enforcement, judiciary and immigration offices. Collaboration between these agencies is an immediate necessity for the success of anti-trafficking programmes in any country. Information and intelligence sharing by enforcement officials, which when shared with judiciary offices, would help in prosecuting traffickers.

(c) Health and Public Services: Rescued victims need help and assistance such as shelter, legal assistance, transportation, medical tests, and psychological counselling. These services are provided by government hospitals and specialised agencies.

(d) NGOs and CSOs: Anti-trafficking efforts have reached the present status due to the sincere efforts of many NGOs and CSOs since the late 1980s. The main function of these organisations is to raise awareness through sustained campaigns, conduct research, help law enforcement officers in the identification of victims, and to provide counselling and basic services to victims of human trafficking.

(e) Media: The Media along with social media has emerged as the ‘fourth pillar of democracy’. It is playing an indispensable role in educating people and spreading awareness about the realities of human trafficking through films, theatres, photographs,

²⁰⁴Human Trafficking: A Brief Overview (2009), Op cit.

newspapers, and magazine articles. It is one of the most effective ways of communicating with a large number of people in the shortest span of time.

(f) Private Sector: Large multinational corporations and businesses can play a significant role in eliminating human trafficking. Creating job opportunities for victims of human trafficking and providing financial assistance to organisations involved in anti-trafficking operations can be taken up as a part of corporate social responsibility (CSR). Improving the working conditions of labour and implementing measures to prevent labour exploitation and trafficking are expected from a socially conscious business.

2.7.2 International Actors

(a) UN System and Agencies: The United Nations has assumed a significant role in the elimination of trafficking at a global level. The United Nations Global Initiative to Fight Trafficking (UN.GIFT) has promoted efforts to fight against trafficking and coordinate with ILO, International Organization for Migration (IOM), the Office of the High Commissioner for Human Rights (OHCHR) and the Organization for Security and Cooperation in Europe (OSCE). The UNODC was established in March 2007 with the grant awarded by the United Arab Emirates. Its strategy is to achieve three goals: 1) building awareness; 2) broadening the knowledge of data facts, information and statistics on global human trafficking; and 3) providing technical assistance.

Table 2.6: List of International Organisations in Anti-Trafficking Efforts

International Organisations
International Labour Organization (ILO)
International Organization for Migration (IOM)
United Nations Children's Fund (UNICEF)
United Nations Interregional Crime and Justice Research Institute (UNICRI)
United Nations Development Fund for Women (UNIFEM)
United Nations Education, Scientific and Cultural Organization (UNESCO)
United Nations Office on Drugs and Crime (UNODC)
United Nations Global Initiative to Fight Trafficking (UN.GIFT)

Source: Author (Compiled)

(b) Multilateral Development Banks: The Asian Development Bank (ADB) and the Inter-American Development Bank (IDB) are the most active financial institutions engaged in combating human trafficking issues through grants and loans. These loans are financed on a regional and country-wide basis for establishing infrastructure for anti-trafficking operations. The focus of ABD is on preventive measures and monitoring the impact of human trafficking. IDB is supporting Latin American governments in their fight against human trafficking.

(c) INTERPOL: INTERPOL helps national governments by tracking run-away traffickers. It strengthens the capacity of governments to fight global human trafficking.

(d) Bilateral/Multilateral and Regional Initiatives: A number of governments have joined forces on a regional basis to fight trafficking. The initiatives have been taken to protect migrant workers from forced employment and to minimise the cases of sexual exploitation of women and children.

(e) International NGOs: Apart from domestic NGOs, many international NGOs like Amnesty International, Human Rights Watch (HRW), and the Global Alliance against Traffic in Women (GATW) are actively involved in anti-trafficking efforts. These organisations have successfully brought public and government attention to the issues pertaining to exploitation of trafficked people.

Table 2.7: List of NGOs/Think-tanks/Programmes in Anti-Trafficking

NGOs/think-tanks/programmes
Alliances against Human Trafficking
Amnesty International
Anti-Slavery International
Human Rights Watch
The National Criminal Justice Reference Service
Polaris Project
Protection Project (The Johns Hopkins University)
RAND Corporation
Save the Children
Terre des homes
Vital Voices Global
Women's Studies Program (University of Rhode Island)

Source: Author (Compiled)

(f) Academic and Research Institutions: The importance of academic research conducted in various universities and institutions cannot be neglected. Academic institutions are providing useful information about various aspects of human trafficking in a scientific manner. Their recommendations are incorporated by policymakers in anti-trafficking efforts.

(g) Global Slavery Index (GSI): The GSI is annually prepared by the Walk Free Foundation. The Global Slavery Index of 2013²⁰⁵ highlights the global problems of world slavery, with an estimated 29.8million people enslaved around the world. The Index provides weighted rankings of 162 countries, with a number one ranking being poor, and indicating a concentration of slavery, whilst the ranking of 160 is the lowest ranking provided. The Index provided clear support for the researcher's use of the UK as a comparator to the UAE when investigating slavery, and the scope of human trafficking generally. The UK was ranked as joint 160, with the UAE ranked as 88. The following table, adapted from the Index, provides some guidance here, both on the global extent of modern slavery and of the location of the UAE and UK within the Index. The calculated number of enslaved persons is the median figure between the lower and higher ranges.

Table 2.8: Global Slavery Index of States

Country	Rank	Population	Calculated Number of Enslaved	Estimated Enslaved (lower Range)	Estimated Enslaved (higher range)
Mauritania	1	3,796,141	151,353	140,000	160,000
India	4	1,236,686,732	13,956,010	2,000,000	2,200,000
United Arab Emirates	88	9,205,651	18,713	18,000	20,000
Iraq	104	32,578,209	28,252	27,000	30,000
United Kingdom	160	63,227,526	4,426	4,200	4,600

In calculating these figures, the Index defines modern slavery as including 'slavery, slavery-like practices (such as debt bondage, forced marriage, and sale or exploitation of

²⁰⁵Walk Free Foundation (2013) Global Slavery Index, available at <http://www.globalslaveryindex.org/>

children), human trafficking and forced labour'²⁰⁶. This current study is focused on the issues of human trafficking, and as such, the figures whilst indicative of global trends cannot be seen as defining only the extent of such trafficking. However, it is clear that modern slavery is a widespread problem, and the urgent need to deal with such modern slavery, particularly in relation to trafficking of persons, is clearly set out.

2.8 Counter-trafficking Programmes

2.8.1 Counter-trafficking strategies

Counter-trafficking programmes have mushroomed in all the major economies of the world. These programmes have four common basic principles: strong legislation, prevention of trafficking, assistance to victims, and collaboration with international and regional parties. There is a need to develop comprehensive literature on all forms of trafficking so that anti-trafficking strategies can be developed that cater to the specific problem areas. The following are the main focus areas of anti-trafficking actions worldwide²⁰⁷:

(a) Legislation: All the countries that have ratified the Trafficking Protocol of the UN have either adopted new legislation or have modified their existing legislation to translate the protocol into action. This legislation now includes a definition of trafficking in persons, increased penalties for traffickers, establishment of procedures and institutions for the implementation of the laws.

(b) Coordination and Collaboration: National governments are collaborating with each other for sharing information regarding trafficking activities. Coordination at national as well as regional level is gaining momentum. The presence of institutional structures such as national referral mechanisms, national rapporteurs, and national coordinators has facilitated the efforts of various agencies.

(c) Prosecution and Law Enforcement Activities: Distinguishing trafficking victims from others is still a serious challenge for law enforcement officials. Prompt identification and

²⁰⁶Global Slavery Index (2013), Ibid, Executive Summary at p.1

²⁰⁷“An Introduction to Human Trafficking: Vulnerability, Impact and Action” (2008), Op cit.

appropriate treatment of victims is essential for an effective law enforcement response to trafficking. However, there is confusion regarding trafficking, smuggling and other immigration related offences.

(d) Prevention: Preventing the trafficking requires comprehensive efforts from all the stakeholders, but this aspect has been inadequately addressed in anti-trafficking strategies. There is uncertainty regarding the effectiveness of various preventive techniques. Moreover, lack of monitoring and evaluation of prevention programmes has made it difficult to determine the success of each of them. There are numerous factors that are responsible for human trafficking. These factors include economic crisis, social exclusion, gender discrimination and a weak legal or social protection system. Preventive strategies can be a success if these root causes of trafficking are addressed appropriately.

(e) Protection and Assistance: International guidelines are now clear about the kind of protection and assistance that must be accorded to victims of trafficking upon their rescue. Assistance includes transfer to a safer place, providing services like physical and psychological care, legal assistance, shelter and protection. Different countries have adopted different methods of treating the victims. In most cases, victims of sexual exploitation are provided state help. There are shelter homes and children's care centres that take care of such victims, but still steps for the assistance of other kinds of victims, such as victims of forced labour, domestic servitude, etc, are not covered by most of the existing assistance programmes.

2.8.2 Evaluation of Counter-trafficking Programmes

Evaluation of any programme can be undertaken by selecting an evaluation design, methods for data collection, and analysis of collected data. Knowledge about anti-trafficking programme effectiveness can be developed by tracking individual victims over time, learning from experience to reach the hidden populations of other fields and analysing the existing databases. As the anti-trafficking efforts continue, it is necessary to track the recent developments. Traffickers have always changed their strategies with changes in rules and regulations, such that their activities go on unhindered. It is necessary to analyse the implications of trafficking on a geographical basis to prioritise strategies for different regions. Coordination in the efforts of national and international actors is

expected to improve the global situation of trafficking. The following evaluative measures are expected to prevent trafficking:

(a) Tracking Individual Victims over Time: Data collected from the victims can be made consistent and harmonised by including 1) demographic profiles of victims such as their nationality, ethnicity, gender, and age; 2) specific characteristics of victims such as prior education, prior employment, health, and prior income; 3) trafficking experience such as kind of exploitation (sexual or labour), trafficking route (source, transit and destination countries), mode of transport, work days per week and work hours per day, income and bondage; 4) intervention (arrested, detained, deported, repatriated, sheltered, released); and 5) follow-up in several impact areas.

(b) Learning from Experiences in Reaching Hidden Populations in Other Fields: Collecting data from elusive and hard to detect populations is always a challenge for the researchers. Significant insights can be generated regarding the data collection methods for human trafficking by analysing hidden population studies. One such study is that of homeless in the United States from which instructive lessons for human trafficking can be learned, particularly regarding the coercive labour practices of agricultural workers. Various sampling techniques like the use of decoys for data collection, and different variations of snowballing techniques can be employed. However, care must be taken that the confidentiality and privacy of victims is not compromised²⁰⁸.

(c) Gaining Knowledge from Existing Databases: There are global and national databases which have information about the profiles of victims of human trafficking. An analysis of these databases will help in refining the research design and target population. The International Organization for Migration (IOM) maintains an in-depth database of profiles of assisted victims from more than 80 since 1999. Data related to trafficking victims can also be collected from the reports of international organisations, non-government organisations and national statistical agencies. These reports can help in bridging the gap between the number of reported and unreported cases²⁰⁹.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

2.9 Conclusion

The literature review chapter covered a wide variety of research reports, articles, and academic papers published on human trafficking. The review revealed that human trafficking has become a global phenomenon. It is now termed as a modern form of slavery which includes various forms of exploitation of people in the form of sexual exploitation, servitude, bonded labour, slave-like practices, and/or removal of organs. The enormity of trafficking crimes can be understood from the fact that there are around 27 million slaves in the world to which around 700,000 to 900,000 people are added annually. These victims include men, women, and children whose exact number is almost impossible to determine because of the highly inconspicuous nature of trafficking. Trafficking is a crime that has manifestations within as well as beyond the boundaries of a nation. People are trafficked for exploitation across national or international borders through legal and/or illegal means. International trafficking networks operate at different levels in origin, transit and destination countries through traffickers acting as recruiters, transporters, and exploiters. Victims are mostly lured into trafficking for better job opportunities, and improved standards of living in foreign countries.

The various definitions of trafficking, as provided by international organisations, differed from each other in terms of the meaning and scope of trafficking before the adoption of the Palermo Protocol in 2000. A more detailed definition of trafficking was given in the Palermo Protocol which is now widely accepted throughout the world. These definitions of human trafficking help in a better understanding of terms like trafficking, slavery and migrant smuggling. Although there is not much difference between age-old slavery and exploitation of trafficked person, trafficking should not be confused with migrant smuggling as the latter is mainly accomplished with the free will and knowledge of the person smuggled.

Finally, the review of literature focused on the role of key actors like national governments, government agencies, health and public service departments, NGOs and CSOs, media and private sector organisations involved in anti-trafficking efforts and the counter-trafficking strategies adopted by them. This review was helpful as it provided a

holistic overview of human trafficking as a crime, its causes and driving forces, scope, victim profile, key definitions of trafficking, distinction between trafficking and slavery, as well as migrant smuggling, and the role and anti-trafficking strategies of national and international actors involved in combating trafficking. The chapter set the ball rolling not only for the next chapter on international conventions on human trafficking, but also for the rest of the study.

Chapter Three: International Conventions to Combat Human Trafficking

3.1 Introduction

As a result of shared humanity between individuals, every human is entitled to enjoy certain rights such as the right to fairness, respect, equality, dignity and autonomy²¹⁰. To bring these rights to life the concept of human rights was created, which at a very basic level define how individuals should treat each other. Since there are disparities in every society, so these rights become more important for more vulnerable and less powerful people such as people in care, children, or people with learning difficulties²¹¹. In common parlance, human rights can be described as just common sense or simply as good manners. The Universal Declaration of Human Rights announced by the General Assembly of the United Nations on 10th December 1948²¹² aims to prevent atrocities and oppression of humans by setting out the values that underline human dignity and equal worth²¹³.

Article 2 of the European Convention on Human Rights, signed in 1950, calls upon Members of the Council of Europe to protect by law everyone's right to life²¹⁴. Article 3 of the same convention prohibits torture or inhuman or degradable treatment or punishment of anyone. Also, the very first article of the charter of the European Union describes human dignity as an inviolable right, which must be respected and protected²¹⁵. Human trafficking is one such activity in the modern period that attacks directly at the base of human dignity. In fact, it can be described as analogous to modern day slavery, where the focus is on 'big profits and cheap life'²¹⁶. Human trafficking is an inhuman crime, perpetrated for profit, with least sanctity for human dignity and values. Trafficking in persons is a transnational

²¹⁰ "Ours to Own: Understanding Human Rights" Equality and Human Rights Commission, http://www.equalityhumanrights.com/uploaded_files/ours_to_own_final.pdf, (accessed May 12, 2012).

²¹¹ Ibid.

²¹² The European Conventions on Human Rights (1950), Council of Europe, <http://www.globaldetentionproject.org/fileadmin/docs/European-Convention-on-Human-Rights.pdf>, (accessed May 02, 2012).

²¹³ Ours to Own, Op cit.

²¹⁴ The European Conventions on Human Rights, Op cit.

²¹⁵ Charter of the Fundamental Rights of the European Union (2000), Official Journal of the European Communities, http://www.europarl.europa.eu/charter/pdf/text_en.pdf, (accessed April 22, 2012).

²¹⁶ Esquibel, M. (2005), "Human Trafficking: A Violation of Human Rights, A Universal Issue", College of Social Sciences, The Florida State University, <http://rmfoundation.arsls.net/PDF/HUMAN%20TRAFFICKING%20THESIS.pdf>, (accessed April 28, 2012).

crime and no country can claim that it has not been affected by it²¹⁷. So the solution for tackling this global crime lies in the coordinated efforts of the respective governments.

The first instance of international cooperation between nations was seen just after the end of the First World War, when the League of Nations was formed in 1919. Although this organisation failed politically, for the first time it addressed the problems of marginalised sections of society at an international level. The League of Nations Slavery Convention of 1926 is regarded as the first international agreement to abolish slavery²¹⁸. It declared slavery to be a ‘crime against humanity’ and the perpetrators of such a crime to be the enemy of humankind over whom any state can hold criminal jurisdiction. Although the fight for human dignity is as old as humanity itself, the massive insult to human dignity perpetrated during the Second World War brought this topic back to the centre stage of the international arena. The United Nations, in Article 1 of its Charter, declares its purpose of formation to be ‘promoting and encouraging respect for human rights and the fundamental freedoms for all without distinction as to race, sex, language or religion’²¹⁹.

This chapter is an effort from the researcher to bring together all such initiatives taken at the international level to curb human trafficking and preserve human dignity. After covering the introduction of the chapter in section 1, the historical background of international conventions is provided in section 2. It discusses how various countries came together to acknowledge the problem of human trafficking and decided to join their efforts to promote anti-trafficking measures. The problems encountered in clearly defining the terms related to human trafficking are also discussed under this section. The international conventions adopted by various international organisations are explained in detail. These are classified as those which were adopted or proposed before the Second World War, then those of the Cold War period of 1949 to 1990 and finally the ones adopted after the end of the Cold War.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ “Human Rights: A Handbook for Parliamentarians (2005)”, Office of the United Nations High Commissioner for Human Rights, <http://www.ohchr.org/Documents/Publications/training13en.pdf>, (accessed April 20, 2012).

Section 3 is focused on regional conventions of human trafficking. Five major conventions adopted in five major regions of the world - the American Conventions on Human Rights, Council of European Convention on Action against Trafficking in Human Beings, the African Charter on Human and Peoples' Right (ACHPR), the Arab Charter on Human Rights and the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution - are discussed in this section. Section 4 dwells upon the ILO conventions, followed by Sections 5 and 6 which are more specific in dealing with only those conventions signed by the United Kingdom and the United Arab Emirates, respectively. Section 7 concludes the chapter.

3.2 International Conventions

The economic interdependence between countries has increased due to globalisation, resulting in wider markets and greater profits, but it also has negative effects²²⁰. One such negative is the creation of new complex networks of human trafficking rings which are employing new forms of exploitation leading to a global increase in instances of forced labour, child labour, debt bondage, forced marriage, and commercial sexual exploitation of children and adults²²¹. It is widely accepted that these exploiters do not operate on an individual basis. In fact, their operations are interlinked with similar networks spread over the entire world.

To combat such rings efforts from a single government or state are highly inadequate. Efficient anti-trafficking measures require coordination between governments of various nations. An example of one of the first such international agreements is 'The International Agreement for the Suppression of the White Slave Traffic' of 1904. Despite the political failure of the League of Nations, it was successful in bringing nations together to fight human trafficking. The establishment of the United Nations provided further impetus to international efforts to curb human trafficking.

²²⁰ Gallagher, A. T. (2009), "Human Rights and Human Trafficking: Quagmire or Firm Ground? A Response to James Hathaway", *Virginia Journal of International Law*, Vol. 49. No. 4, pp. 789-848.

²²¹ Ibid.

3.2.1 International Conventions from 1904 to 1937

Keeping in view the dignity of life of every individual, international effort to fight slavery and trafficking began well before the Second World War. In 1904, governments of 12 European nations - the United Kingdom, Germany, Italy, Portugal, France, Spain, Russia, Sweden, Switzerland, Belgium, Denmark and the Netherlands - signed the International Agreement for the Suppression of the 'White Slave Traffic'²²². Under this agreement, each government agreed to establish some authority in their state to coordinate all the information related to the procurement of women and girls for immoral purposes. Each country was to keep a watch at railways, ports and roads to detect girls and women trafficked to lead an immoral life. The Agreement had provisions for the repatriation of victims to their home countries, in some cases, at the expense of the government²²³.

In 1910, the member states again agreed to some new provisions to the International Conventions for the Suppression of the White Slave Traffic²²⁴. These conventions included punishment for the person(s) who procure or entice or led a woman or a girl into immoral activities either by her consent or by fraud or threat or violence²²⁵. It was decided that the laws governing such activities would be communicated to each contracting party to the Agreement and punishment for offences would come into force in each country, the day the Agreement was signed. In cases where such laws were not in place then contracting parties would take the necessary measures to enact them in their legislatures²²⁶.

To secure more completely the suppression of the traffic in women and children as described in the agreements of 1904 and 1910, 28 nations of the world ratified the International Convention for the Suppression of the Traffic in Women and Children in 1921. The contracting parties agreed to take measures to discover and prosecute persons

²²² International Agreement for the Suppression of the 'White Slave Traffic' (1904), University of Minnesota Human Rights Library, http://www.oas.org/juridico/mla/en/traites/en_traites-inter-wst.pdf, (accessed May 20, 2012).

²²³ Ibid.

²²⁴ International Agreement for the Suppression of the 'White Slave Traffic' (1910), University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/instree/whiteslavetraffic1910.html>, (accessed May 20, 2012).

²²⁵ Ibid.

²²⁶ Ibid.

involved in trafficking of children of both sexes²²⁷. The League of Nations adopted the Slavery Convention in 1926, which outlawed slavery²²⁸. This convention was signed at Geneva on 25 September 1926 and is considered to be a landmark effort by the international community to abolish slavery. It provided the proper definition of slavery in Article 1 and called the contracting parties to suppress and abolish all forms of slavery in Article 2²²⁹.

In 1930, the International Labour Organization (ILO) adopted the Forced Labour Convention which called upon every member nation of ILO to suppress any kind of forced or compulsory labour²³⁰. In 1933, the International Convention for the Suppression of the Traffic in Women of Full Age was adopted in addition to those adopted in 1904, 1910 and 1921. It added the charge of attempting to traffic any victim to the definition of trafficking of women and girls. This convention even included a clause for the settlement of disputes between the contracting parties through arbitration or judicial settlement²³¹. The League of Nations drafted a convention in 1937 to seek international cooperation for prevention and regulation of prostitution. Earlier, prostitution was considered to a national issue to be governed by sovereign laws, but the League of Nations considered that it should be governed by international laws as it involves human trafficking.

The international conventions from 1904 to 1937 marked the first phase of steps taken by the international community to protect humans from being exploited by fellow humans. Although very basic in nature and limited in scope, these conventions were successful in defining the problem, highlighting the seriousness of the issue, and in bringing the international community together to fight against slavery and the exploitation of women.

²²⁷ “International Convention for the Suppression of the Traffic in Women and Children, As Amended by the 1947 Protocol” (1921),

<http://cil.nus.edu.sg/rp/il/pdf/1921%20IC%20Women%20and%20Children%20Traffic%20Suppression-pdf.pdf>,

(accessed May 23, 2012).

²²⁸ Mary H., Cooper, D. M. and Triplett, W. (2004). Human Trafficking and Slavery. T. J. Colin, *CQ Researcher*. 14: 273-296.

²²⁹ Slavery Convention (1926), <http://www2.ohchr.org/english/law/pdf/slavery.pdf>, (accessed May 13, 2012).

²³⁰ “C29 Forced Labor Convention” (1930), International Labor Standards Department, International Labor Organization, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>, (accessed May 17, 2012).

²³¹ “International Convention for the Suppression of the Traffic in Women of Full Age”, (1933), http://www.oas.org/juridico/mla/en/traites/en_traites-inter-women_1933.pdf, (accessed May 12, 2012).

The prime focus of the earlier conventions of 1904 and 1910 was to protect white women from being exploited, but in later conventions the word ‘white’ was dropped to expand the geographical scope by including protection to women and children of all other regions. These conventions also laid the ground work for the future rules and regulations framed in order to monitor human trafficking.

3.2.2 International Conventions from 1949 to 1990

The second phase of international conventions started with the formation of the United Nations. A new era of international cooperation began which revolved around the United Nations. The General Assembly of the United Nations adopted the Universal Declaration of Human Rights in 1948. These rights considered that giving recognition to inherent human dignity and equal rights to all the humans in the world would lay the foundation of freedom, justice and peace in the world²³². The General Assembly approved the resolution 317 (IV) of 2nd December 1949 regarding the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others²³³. This Convention focused heavily on prostitution by seeking punishment for the person who finances brothels and owns a building where prostitution takes place without his/her knowledge²³⁴.

The definition provided in the 1926 Slavery Convention was broadened in The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and the Institutions and Practices Similar to Slavery (UNSCAS), which was adopted in 1956, to include debt bondage, servile forms of marriage and the exploitation of children and adolescents²³⁵. The parties to this Convention agreed to set a suitable minimum age of marriage and to encourage registration of marriages²³⁶. Anyone found involved in the

²³²“Universal Declaration of Human Rights” (1948), Adopted by United Nations General Assembly at Paris, http://apneaap.org/sites/default/files/1948%20Universal%20Declaration%20of%20Human%20Rights_1.pdf, (accessed May 26, 2012).

²³³ “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others”, Office of the United Nations High Commission for Human Rights, <http://www2.ohchr.org/english/law/trafficpersons.htm>, (accessed May 26, 2012).

²³⁴ Ibid.

²³⁵ Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, (1956), <http://action.web.ca/home/narcc/attach/Slavery%20Conventions%20-%20summaries%5B1%5D.pdf>, (accessed May 13, 2012).

²³⁶ Ibid.

conveyance of slaves should be punished according to the laws of the State of the parties to the Convention. Remarkably, the Convention also asked the State Parties to free any slave who takes refuge on their vessels²³⁷.

The trafficking of women and girls for prostitution and other forms of exploitation leads to the situation of displacement and statelessness for them. To protect women from all forms of gender related discrimination and to suppress all forms of trafficking of women for prostitution, the United Nations adopted The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979²³⁸. This convention highlighted the problem of trafficking of women in the context of their displacement and recognised the links between displacement and risks of trafficking²³⁹. The Convention on the Rights of the Child (CRC) 1989 called on the State Parties to take appropriate measures at the national, bilateral and multilateral level to prevent the trafficking and sale of children for any purpose or in any form²⁴⁰.

The International Conventions and agreements set up after the end of the Second World War and until the end of the Cold War revolved around the measures taken by international bodies like the United Nations and its associated organisations and the International Labour Organization. These conventions focused on removing slavery completely from the surface of the earth. The scope of these conventions widened to include the fight against the exploitation of children and discrimination against women. During this period human trafficking became linked with the women's movements against domestic violence and the fight against AIDS.

3.2.3 International Conventions from 1990 to 2010

Following the collapse of the Soviet Union and the subsequent end of the Cold War, a new phase of international cooperation against human trafficking began between the nation states. As the world became a smaller and freer place, it became easier for traffickers to

²³⁷ Ibid.

²³⁸ Edwards, A. (2009), "Legal and Protection Policy Research Series", United Nations High Commissioner for Refugee, <http://www.unhcr.org/refworld/pdfid/4a8aa8bd2.pdf>, (accessed May 23, 2012).

²³⁹ Ibid.

²⁴⁰ "Convention on the Rights of the Child" (1989), http://www.unesco.org/education/pdf/CHILD_E.PDF, (accessed May 23, 2012).

operate. The era of globalisation brought with it some vices along with many virtues. Due to the efforts of the international community slavery was almost wiped out from the earth, but re-emerged in the form of human trafficking in the twenty-first century²⁴¹. Despite increased global attention and a significant number of conventions and protocols, human trafficking remained a serious problem the world over. Human trafficking increased significantly and still remains a crime with low risk and high profit²⁴². Another reason for the increase in trafficking is the low profile coverage it received in the media²⁴³. So, the focus of the international community has now shifted to increase awareness about trafficking and to address the root causes.

Considering the shortcomings of previous conventions, in 2000 the United Nations adopted The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children²⁴⁴. This Convention is now considered as the standard against which laws, policies and practices against human trafficking can be judged. The definition of trafficking as provided by this Convention is:

"Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum the exploitation, forced labour, or services, slavery or practices similar to slavery, servitude or the removal of organs"²⁴⁵.

The scope of the Palermo Protocol was to prevent, investigate and prosecute transnational offences and to provide protection to victims of such offences²⁴⁶. This protocol elaborately defined the role that State Parties were expected to play in criminalising human trafficking,

²⁴¹"Human Trafficking 21st Century Slavery" (2003), Intercommunity Peace and Justice Centre, <http://www.ipjc.org/journal/fall03/AMOSFall03ColorWeb.pdf>, (accessed May 12, 2012).

²⁴²"Human Trafficking: An Overview" (2008), United Nations Office on Drugs and Crime, <http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf>, (accessed May 12, 2012).

²⁴³"Human Trafficking: 21st Century Slavery", Op cit.

²⁴⁴Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing The United Nations Convention against Transnational Organized Crime, (2000), Office of the United Nations High Commissioner for Human Rights, <http://www2.ohchr.org/english/law/protocoltraffic.htm>, (accessed May 20, 2012).

²⁴⁵ Norris, L. (2008), "Child Trafficking in the UK: An Examination of Contemporary Approaches", Internet Journal of Criminology, www.internetjournalofcriminology.com, (accessed May 12, 2012).

²⁴⁶ Ibid.

providing protection to victims, preventive steps to be taken and settling disputes between them²⁴⁷. In 2002, the Brussels Declaration on Preventing and Combating Trafficking in Human Beings called upon governments, international bodies and NGOs to take concrete measures to swiftly reduce trafficking in persons by cooperating with each other in police and judicial matters, and providing protection and assistance to victims of human trafficking²⁴⁸.

In 2009, The United Nations Office on Drugs and Crime (UNODC) devised an International Framework for Action to Implement the Trafficking in Persons Protocol of United Nations. This Framework was based on the 3Ps of prevention, protection and prosecution, and national and international cooperation of efforts in combating human trafficking²⁴⁹. This framework was designed to inform the Member States of the United Nations of where the gaps are in their approach towards combating human trafficking, what additional measures they need to take and how to conform to international standards²⁵⁰.

This third phase of the intentional fight against human trafficking saw the emerging role of NGOs, emphasis on practice rather than preaching, and supporting victims of trafficking. Each protocol and convention emphasised attacking the root causes of human trafficking, in increasing awareness about the crime through both print and electronic media, in distinguishing between perpetrators and victims, in providing support to victims, in criminalising the associated activities of human trafficking, and in taking preventive measures. These measures included strengthening of the identification processes, elimination of corruption and effective implementation of rules and regulations. Even after a century of international efforts against human trafficking, much has been achieved but still more ice remains to be broken. The next section deals with five major regional conventions against human trafficking.

²⁴⁷ Ibid.

²⁴⁸ “Brussels Declaration on Preventing and Combating Trafficking in Human Beings” (2002), <http://www.belgium.iom.int/STOPConference/Conference%20Papers/brudeclaration.pdf>, (accessed May 17, 2012).

²⁴⁹ “International Framework for Action: To Implement the Trafficking in Persons Protocol” (2009), United Nations Office on Drugs and Crime, [http://www.unodc.org/documents/human-trafficking/Framework for Action TIP.pdf](http://www.unodc.org/documents/human-trafficking/Framework%20for%20Action%20TIP.pdf), (accessed May 12, 2012).

²⁵⁰ Ibid.

3.3. Regional Conventions of Human Trafficking

The section deals with conventions adopted in five major regions -America (both North and South), Europe, Africa, Arab countries, and SAARC.

3.3.1 The American Convention on Human Rights, 1969 and its Protocol of 1988 and 1990

The American Convention on Human Rights was signed on November 22 1969 at the Inter-American Specialized Conference on Human Rights organised by the Organization of American States²⁵¹. This convention sought protection of fundamental human rights by regulating procedural and substantive aspects. It called for the creation of the Inter-American Commission for Human Rights and Inter-American Court of Human Rights²⁵². The purpose of the Convention was to create a system of personal liberty and social justice based on respect for some essential rights of man in the American region by working within the framework of democratic institutions²⁵³. In 1988, protocols in the area of Economics, Social and Cultural Rights known as the Protocol of San Salvador were added²⁵⁴. The protocol to abolish the death penalty was included in 1990.

3.3.2 The Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe adopted the European Convention on Human Rights in 1950. Five protocols were added to this Convention, one in 1952, three in 1963 and one in 1966. This convention acknowledged that everyone's right to life is to be protected by law²⁵⁵. It called for a complete ban on servitude and asked the parties to the Convention not to subject anyone to torture, inhumane or degrading treatment, or punishment²⁵⁶. In 2005, the Council of Europe adopted the Council of Europe Convention on Action against Trafficking in Human Beings. The main objectives of this convention were to prevent and combat

²⁵¹ Basic Documents Pertaining to Human Rights in the Inter-American System, Organization of American States, <http://www.corteidh.or.cr/docs/libros/Basingl01.pdf>, (accessed May 26, 2012).

²⁵² Editorial 1989 – An Anniversary Year, The American Convention on Human Rights, (1969), <http://ijrl.oxfordjournals.org/content/1/4/554.full.pdf> (accessed May 23, 2012).

²⁵³ Basic Documents Pertaining to Human Rights in the Inter-American System, Op cit.

²⁵⁴ Ibid.

²⁵⁵ The European Convention on Human Rights (1950), Op cit.

²⁵⁶ Ibid.

trafficking, to protect victims of trafficking, and to promote international cooperation on action against trafficking in human beings²⁵⁷. To facilitate the coordination of the activities of the parties, the Convention also recommended the establishment of a monitoring mechanism²⁵⁸.

3.3.3 The African Charter on Human and Peoples' Rights, 1981

The Organization of African Unity (OAU) adopted the African Charter on Human and Peoples' Rights in 1981 and to create an African Court on Human and Peoples' Rights, it adopted a protocol to the African Charter in 1998²⁵⁹. This charter is also known as the Banjul Charter. It combined the African values with international norms by promoting internationally recognised individual rights along with collective rights and individual duties²⁶⁰. It described the achievement of the total liberation of Africa as a duty to be performed and strongly supported the elimination of colonialism, neo-colonialism, apartheid, Zionism, and the dismantling of foreign military bases and removal of all forms of discrimination²⁶¹.

3.3.4 The Arab Charter on Human Rights, 2004

The Arab Charter of Human Rights was adopted by the Arab League in 1994. It emphasised the principle of universal brotherhood and equality among peoples as enshrined in Islamic Shariah²⁶². It associated racism, Zionism, occupation and foreign domination with the violation of human rights and serious threats to world peace, condemning them in strong words and asking the State Parties to endeavour to eliminate such practices²⁶³. Article 5 of the Charter gave the right to life, liberty and security to every individual which was to be protected by law. The State Parties to the Charter accepted that

²⁵⁷ Council of Europe Convention on Action against Trafficking in Human Beings and Its Explanatory Report, (2005), Council of Europe, Warsaw, <http://www.coe.int/trafficking> (accessed May 18, 2012).

²⁵⁸ Ibid.

²⁵⁹ "Minority Rights under the African Charter on Human and Peoples' Rights", Pamphlet No 6 of the UN Guide for Minorities, <http://www.ohchr.org/Documents/Publications/GuideMinorities6en.pdf>, (accessed May 15, 2012).

²⁶⁰ Ibid.

²⁶¹ "African (Banjul) Charter on Human and Peoples' Rights", (1981), http://www.africa-union.org/official_documents/treaties_%20conventions_%20protocols/banjul%20charter.pdf, (accessed May 15, 2012).

²⁶² Arab Charter on Human Rights (1994), Adopted by the Arab League, <http://www.pogar.org/publications/other/laws/humanrights/acharter.pdf>, (accessed May 18, 2012).

²⁶³ Ibid.

the death penalty may be imposed in the most serious cases but it cannot be imposed under any circumstances for political offences²⁶⁴.

The 1994 Arab Charter was criticised as it was lacking any human rights enforcement mechanism²⁶⁵. A new version of that Charter was adopted at the Arab Summit held in Tunisia in 2004. It consisted of 53 articles after preamble, which can be grouped into four categories. The first category was concerned with individual rights, the second dwelled upon rules of justice, the third was concerned with civil and political rights and the fourth category related to economic, social and cultural rights²⁶⁶. The Charter acknowledged equality between men and women and also granted rights to children and handicapped persons²⁶⁷.

3.3.5 The South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution

The Member States adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution on January 5, 2002. The purpose of the Convention was to promote among Member States the prevention and suppression of trafficking in women and children, rehabilitation of victims and prevention of international prostitution networks²⁶⁸. This Convention considered the consent of a woman to prostitution as irrelevant and criminalised the sale and procurement of such women²⁶⁹. It asked the Member States to enact appropriate laws, including those covering human trafficking offences and to ensure that during the judicial trial of cases the confidentiality of child and female victims is maintained²⁷⁰.

²⁶⁴ Ibid.

²⁶⁵ Arab Charter on Human Rights (2004), http://www.acihl.org/res/Arab_Charter_on_Human_Rights_2004.pdf, (accessed May 18, 2012).

²⁶⁶ Ibid.

²⁶⁷ Ibid.

²⁶⁸ SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, <http://www.saarc-sec.org/userfiles/conv-traffiking.pdf>, (accessed May 18, 2012).

²⁶⁹ Dale, H. (2002) "Anti Trafficking Programs in South Asia: Appropriate Activities, Indicators and Evaluation Methodologies, Summary Report of a Technical Consultative Meeting", Population Council, New Delhi, http://www.popcouncil.org/pdfs/rr/anti_trafficking_asia.pdf, (accessed May 12, 2012).

²⁷⁰ SAARC Convention, Op Cit.

3.4. ILO Conventions

The International Labour Organization from time to time came up with a number of conventions directed against trafficking for labour exploitation like forced labour, compulsory labour and slavery-like practices. It widened its scope to include conventions on migrant workers and the worst forms of child labour. The definition of forced labour provided in the 1930 ILO Convention against Forced Labour is still considered relevant in defining the issue properly²⁷¹. Through these conventions, the ILO is trying to eliminate labour exploitation by attacking its root causes such as poverty, lack of employment and inefficient labour migration systems²⁷².

The General Conference of the ILO decided to adopt the Migration for Employment Convention (Revised) in 1957. According to this convention each Member was supposed to have national policies, laws and regulation relating to emigration and immigration²⁷³. They should provide adequate and free services to migrant workers and should not discriminate against immigrants on the basis on nationality, race, religion or sex²⁷⁴. To end discrimination, the ILO adopted the Discrimination (Employment and Occupation) Convention (No.III) in 1958. It considered that discrimination is a violation of rights enunciated by the Universal Declaration of Human Rights. It asked each Member to promote and pursue policies which lead to conditions of equal opportunities and treatment in respect of employment and occupation²⁷⁵.

To abolish child labour, the ILO adopted the Convention of Minimum Age for Admission to Employment in 1973²⁷⁶. It defined that the minimum age should not be less than the age of completion of compulsory schooling and, in any case, should not be less than 15

²⁷¹ “ILO Action against Trafficking in Human Beings” (2008), International Labour Office, Geneva, http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_090356.pdf, (accessed May 12, 2012).

²⁷² Ibid.

²⁷³ C97 Migration for Employment Convention (Revised), (1949), Geneva, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C097> (accessed May 18, 2012).

²⁷⁴ Ibid.

²⁷⁵ Discrimination (Employment and Occupation) Convention (No. III), (1958), International Labour Office, Geneva, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_85_en.pdf (accessed May 18, 2012).

²⁷⁶ C138 Minimum Age Convention (1973), Geneva, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138> (accessed May 18, 2012).

years²⁷⁷. To complement this Convention, the ILO adopted another Convention in 1999, the Worst Form of Child Labour Convention. Each Member to the Convention was asked to take urgent steps to prohibit and eliminate the worst forms of child labour²⁷⁸. It provided a comprehensive definition of ‘worst form of labour’ and asked the Members to adopt monitoring mechanisms for implementing the provisions of the Convention²⁷⁹.

3.5 The Conventions of Human Trafficking ratified by the UK

The United Kingdom played a prominent role in the adoption of the first international agreement against human trafficking known as the ‘White Slave Traffic’ Agreement of 1904²⁸⁰. This agreement was concerned with checking the trafficking of white women for prostitution. At that stage human trafficking was considered just to be an immoral activity which needed to be stopped, rather than a problem which threatens national security²⁸¹. Recently, the government of the United Kingdom has signed and ratified the UN’s Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (‘the Palermo Protocol’)²⁸². Showing the sincere commitment of the government to combating trafficking, the UK has also signed and ratified the Council of Europe Convention against Trafficking in Human Beings. This Convention has the provision of a recovery period and assistance for the victims of human trafficking of at least 30 days²⁸³.

The UK passed the Nationality, Immigration and Asylum Act in 2002. This Act was closely followed by the Sexual Offences Act in 2003²⁸⁴. Under this Act, more provisions were added which relaxed the requirement for coercion, deception or force during the recruitment of trafficking victims by the traffickers. This implied that the victims would be able to report cases of human trafficking in the United Kingdom even if they were not

²⁷⁷ Ibid.

²⁷⁸ Worst Forms of Child Labour Convention (No. 182), (1999), Geneva, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182> (accessed May 12, 2012).

²⁷⁹ Ibid.

²⁸⁰ Yuko, E. I. (2009), “Theories, Practices, Promises: Human Trafficking Laws and Policies in Destination States of the Council of Europe”, School of Law and Government, Dublin City University.

²⁸¹ Ibid.

²⁸² “The Trade in Human Beings: Human Trafficking in the UK”, Sixth Report of the Session 2008-09, House of Commons Home Affairs Committee, Volume I, <http://www.statewatch.org/news/2009/may/uk-hasc-trafficking-report-vol1.pdf>, (accessed May 17, 2012).

²⁸³ Ibid.

²⁸⁴ Goodey, J. (2008), Op cit.

subjected to the above mentioned conditions. In 2004, a clause of labour exploitation was introduced under the Asylum and Immigration Act 2004. In the same year, the government adopted the Gangmaster (Licensing) Act 2004 to put a check on the grey market of illegal workers and their gangmasters who control them. To mark the 200th anniversary of the UK's abolition of slavery, the government launched its Action Plan on Tackling Human Trafficking in March 2007²⁸⁵.

3.6 The Conventions of Human Trafficking ratified by the UAE

The UAE formally began its fight against human trafficking in the year 2006 with the enactment of a strong anti-trafficking law, Federal Law 51²⁸⁶. In 2007, the UAE established the National Committee to Combat Human Trafficking²⁸⁷. To make anti-trafficking efforts compatible with international standards and to plug any kind of loopholes in the existing laws, the UAE ratified the UN's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children²⁸⁸. To increase international cooperation in anti-trafficking efforts, the UAE ratified the United Nations Convention against Transnational Organized Crime (UNTOC) in May 2007²⁸⁹. To streamline the flow of labour workforce and to minimise the chances of any foul play, recently the UAE has entered into agreements with countries like India, Pakistan, Nepal, Sri Lanka, Bangladesh, China, Thailand, and the Philippines²⁹⁰.

The UAE has ratified the ILO Convention No. 100 regarding equal pay for work of equal value for both men and women. This means that no employer in the UAE can discriminate between men and women where equal work is done by them. The significance of this convention from the perspective of human trafficking is that in the UAE employers of domestic workers would not be allowed to pay different wages to men and women for their

²⁸⁵ Ibid.

²⁸⁶ "Initiatives to Combat Human Trafficking. Retrieved January 29, 2012, from <http://www.uae-embassy.org/uae/human-rights/human-trafficking>.

²⁸⁷ Ibid.

²⁸⁸ "Combating Human Trafficking in the UAE: Annual Report 2009-10", National Committee to Combat Human Trafficking, Abu Dhabi, UAE, <http://www.nccht.gov.ae/en/Publications/PDF/81020111102143972500.pdf>, (accessed January 28, 2012).

²⁸⁹ Dr. Anwar Mohammad Gargash, (2008), Speech at United Nations General Assembly, New York, <http://www.un.org/ga/president/62/ThematicDebates/humantrafficking/uae.pdf> (accessed January 30, 2012).

²⁹⁰ "Combating Human Trafficking in the UAE: Annual Report 2009-10", Op cit.

labour. Discrimination against foreign female domestic workers over payment often occurs in the UAE²⁹¹. Males are paid more as compared to females, which makes them more prone to exploitation at the hands of their employers. Trafficking of women in the UAE is quite prevalent under the pretext of other categories of migration, particularly for the domestic worker²⁹².

3.7 Conclusion

Human trafficking basically involves exploitation and constitutes a serious crime against humanity. Gradually this crime has caught the attention of the international community. It is now more than 100 years since the first international agreement against human trafficking was signed in 1904. This agreement, commonly known as the ‘White Slave Traffic Agreement’, was to prevent the trafficking of white women for prostitution, whereas the trafficking of women of other races was widely prevalent at that time. This shows the limited scope with which the international community began its fight against trafficking in persons. Another agreement to suppress white slave traffic was signed in 1910, followed by the International Convention for the Suppression of the Women and Children in 1921. The Slavery Convention was adopted in 1926 by the League of Nations. The International Labour Organization (ILO) devised the Forced Labour Convention in 1930, to suppress any kind of forced labour. The League of Nations drafted a convention in 1937 to increase international cooperation and to prevent prostitution.

The formation of the United Nations in 1948 gave a major boost to international efforts in fighting trafficking. In 1948 the United Nations adopted the Universal Declaration of Human Rights. In 1949 the UN again passed a convention for suppressing human trafficking. Under this convention provision for severe punishment for perpetrators of trafficking was made. To end discrimination against women, the UN adopted a convention in 1979 and to protect the rights of children, the Convention on the Rights of the Child was adopted in 1989.

²⁹¹Sabban, R. “United Arab Emirates: Migrant Women in the United Arab Emirates”, GENPROM Working Paper No 10, Gender Promotion Program, International Labour Office, Geneva.

²⁹² Ibid.

The third phase of international efforts against human trafficking began with the end of the Cold War. Now the focus shifted towards implementation of policies and procedures. In 2000, the United Nations adopted a comprehensive protocol, 'the Palermo Protocol', to fight human trafficking. Along with international conventions, some regional associations also adopted conventions to combat human trafficking. The most prominent among them are the American Conventions on Human Rights; the Council of Europe Convention on Action against Trafficking in Human Beings, the African Charter on Human and Peoples' Rights, the Arab Charter on Human Rights, and the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

The ILO played a commendable role in improving the working conditions of labourers. Through its many conventions it asked the Member States to take initiatives in curbing the exploitation of migrant workers, children and women. The ILO took steps to prevent discrimination of workers on the bases of religion, race or sex. Through its 1973 Convention it defined the minimum working age of a child as 15 years or more. In the 1999 Convention of Worst Form of Child Labour, it called for the complete ban on the employment of children in hazardous jobs.

Considering all of these conventions, resolutions and agreements, it seems that the world is going to be a safer place to live in as far as human trafficking is concerned; however, a lot more still needs to be done at ground zero. There are loopholes in the legislation of many countries which are exploited by traffickers to escape prosecution. Corruption has increased to very alarming proportions now and it is acting as a great hindrance in effectively curbing human trafficking. Steps must also be taken to eliminate the causes of human trafficking. Factors like poverty, ignorance, and illiteracy are to be taken care of, if the international community is sufficiently serious in its intention to eliminate human trafficking from the face of the earth.

Chapter Four: Background of the UAE

4.1 Introduction

The purpose of this chapter is to trace the emergence of the UAE as a well-recognised nation, and discuss the rapid social and economic development that is still taking place to achieve this distinction. Characteristics of the country, its demographic and education structures relevant to this thesis are then discussed, followed by an examination of the roles played by Islam and the interlinked Arab culture. This chapter also deals with the human trafficking issues and laws of the UAE. It identifies the key steps taken by the government of the UAE in combating trafficking. The prevalence of human trafficking in the Islamic world is covered in the last sub-section and the role played by Islamic laws in curbing human trafficking is also evaluated.

Politically the country has remained stable since its formation in 1971. The early 1970s saw the beginning of economic development in the UAE, which can be primarily attributed to the formation of the Federation on 2 December, 1971 and a massive increase in oil production combined with a steep rise in the prices of oil in 1973²⁹³. The last few years have seen the rise of the UAE as a trailblazer for the GCC countries, acting as a centre of innovation in the Middle East²⁹⁴. The prevalence of an open business environment, fast-paced development, media-savvy and assertive global ambitions, are a few reasons which are responsible for the enormous development witnessed in the UAE²⁹⁵. The fast-paced growth has its flip side, as it has given rise to many illegal activities in the country. The opportunities created due to expansion of work have attracted many people to the UAE. Some of the people who came to work have suffered exploitation. This exploitation is the result of illegal migrant smuggling and human trafficking activities which have increased in recent years.

²⁹³Shihab, M. (2001), "Economic Development in the UAE", United Arab Emirates a New Perspective, http://www.uaeinteract.com/uaeint_misc/pdf/perspectives/12.pdf (accessed December 12, 2011).

²⁹⁴Rehman, A. A. (2010), "Dubai & Co. Global Strategies for Doing Business in the Gulf States", Tata McGraw Hill, New Delhi.

²⁹⁵ Ibid.

The economic development witnessed in the UAE has surpassed the stages of development experienced by most of the developed countries. The transition from pre-industrial to industrial to post-industrial status occurred in most of the Western countries over a period of two centuries²⁹⁶, but the UAE has undergone this transition in a relatively short duration of only fifty years. The rapid development of the UAE, which was fuelled by massive oil revenues, enabled it to achieve income levels that were comparable to those of industrialised nations²⁹⁷. The UAE has achieved this economic development without going through the lengthy and difficult phases of saving and capital accumulation²⁹⁸. The economic development has created opportunities for the traffickers to exploit the peoples of poor countries by deceiving them with false promises of a good life in the UAE.

For centuries the country has served as a meeting point for businesses due to its strategic location. The far-off consumer markets situated in Africa, West Asia, the CIS countries, and Eastern Europe and even those in the neighbouring regions of the Red Sea and Gulf, which serve nearly 1.5 billion consumers, are easily connected to the UAE²⁹⁹. Owing to its location as an interconnection point the country also forms an important link between the international trafficking routes. It acts as the stopover for the traffickers and the government recognises the need to collaborate with source and other transit countries to effectively combat human trafficking in the UAE³⁰⁰.

By the end of this chapter one will have a fairly good idea about the UAE. In the subsequent sub-sections we examine in detail the various historical, geographical, social and political aspects of the UAE. Section 4.2 deals with details related to the formation of the UAE; 4.3 covers the location and area of the UAE; the history of the UAE is covered under section 4.4; the people, language and religion are discussed in section 4.5; climatic conditions form part of section 4.6; section 4.7 deals with the details about the population of the UAE; and finally section 4.8 covers the legal system of the country.

²⁹⁶Pacione, M. (2005), "City Profile Dubai", *Cities*, Vol. 22, No. 3, pp. 255-265.

²⁹⁷Shihab (2011), Op cit.

²⁹⁸ Ibid.

²⁹⁹EeBizGuides (2010). "Doing Business in UAE: Step by step Business Formation Guide." Retrieved January 8, 2012, from <http://www.eebizguides.com/>.

³⁰⁰ "Combat Human Trafficking, United Arab Annual Report 2007", National Committee to Combat Human Trafficking, pp 14, 15.

4.2 Formation of the UAE

The formation of the UAE saw a combination of various tribal groups of Arabian Peninsula Sheikdoms which organised themselves along the southern coast of the Arabian Gulf and the north-western coast of the Gulf of Oman³⁰¹. Prior to unification these sheikdoms were under British protection. When the British declared their intentions to leave the UAE in 1968, efforts for the unification of all the neighbouring Emirates started. Apart from the present seven Emirates, in initial unification negotiations Qatar and Bahrain were also involved, but when these two states declared their intention to ‘go it alone’ and after withdrawal of British forces from the region in 1971, six Emirates joined together and formed the United Arab Emirates (The UAE)³⁰². The seventh sheikdom, Ras al Khaymah, later joined this federation in 1972³⁰³. At present, the UAE comprises seven emirates. The seven emirates in order of their size are Abu Dhabi; Dubai; Sharjah; Umm al Qaywayn; Ajman; Al Fajayrah and Ras al Khaymah³⁰⁴.

4.3 Location of the UAE

The UAE is located in the East of the Arab world. The Gulf of Oman lies to its east and to its north lies the Arabian Gulf and these two seas are joined by the Straits of Hormuz³⁰⁵. The first hundred miles of Arabian coast encountered after entering the Strait of Hormuz is the UAE. The entire country covers an area of 83,600 kilometres and this includes the mainland and numerous islands along the coast³⁰⁶. The UAE shares its borders with Qatar on the west, The Kingdom of Saudi Arabia on the west and south, and the Sultanate of Oman on the south and east³⁰⁷. The state occupies the area between 22° and 26.5° N and 51° and 56.5° E. The total coastline of the UAE is 1,318 kilometres along the Arabian Gulf

³⁰¹ Country Profile: United Arab Emirates (UAE) (2007), Library of Congress – Federal Research Division, <http://lcweb2.loc.gov/frd/cs/profiles/UAE.pdf> (accessed January 5, 2012).

³⁰² Heard-Bey, F. (2005). “The United Arab Emirates: Statehood and Nation-Building in a Traditional Society.” *Middle East Journal* 59(3): 357-375.

³⁰³ Country Profile, UAE (2007), Op cit.

³⁰⁴ Ibid.

³⁰⁵ PKF, Doing Business in the United Arab Emirates: A Business and Tax Profile, PKF Accountants and Business Advisers, Dubai, UAE.

³⁰⁶ Ibid.

³⁰⁷ Federation of UAE: Chambers of Commerce and Industry. Geographic Location Available from: <http://www.fcciuae.ae/en/geo-loc-en.php> (accessed January 9, 2012).

and Gulf of Oman³⁰⁸. The large coastline and the strategic location of the country provide ample opportunities for human trafficking groups to operate in and around the UAE. The government of the UAE has maintained strict monitoring of the coastline to check the entry and exit of people by means of steamers and ships, but still, stringent measures are required to completely block the sea routes for human traffickers.

Figure 3.1: Political Map of United Arab Emirates



4.4 History of the UAE

The UAE has a long history which dates back tens of thousands of years. Some of the recent archaeological findings in the Hajar Mountains have proven the existence of life in

³⁰⁸Country Profile, UAE (2007), Op cit.

the region even before the Neolithic period (5500 BC)³⁰⁹. The origins of the modern UAE are deeply rooted in the tribal culture and political history of the region, which have evolved over a period of thousands of years of its history. Seafaring, cattle rearing and trade were the important occupations of the people of the region. Even in the first century AD, the ports of the present day UAE were recognised as transit points for overland caravan traffic from Syria and Iraq to seaborne travel to India³¹⁰. These transit points enabled the slave trade in the peak days of slavery at that time.

The entire region of Arabia was once part of the Christian world and is also referred to in the Old and New Testaments³¹¹. The arrival of envoys from Prophet Mohammad (pbuh) in 630 AD introduced Islam to the region³¹². The entire area converted to Islam in the seventh century³¹³. Since then, the Islamic system has played a significant role in the political and social life of the people of the region. Another important but fundamentally inconsistent factor to Islam that has exercised significant influence over the lives of the people is the tribal system³¹⁴. These two distinct systems, Islamic and tribal, have interacted with each other in numerous ways to shape the region's history³¹⁵. Most UAE nationals are descendants of two tribal groups, the Qawasim and the BaniYas, which have traditionally remained enemies of each other³¹⁶. Even before the advent of Islam the region was plagued by dynastic disputes between various tribes. The Qawasim were mainly the land and sea traders while the BaniYas were involved in agriculture and pasturing. In the eighteenth century, the southern part of the country, that is, Abu Dhabi and Dubai, was controlled by the BaniYas tribe while their historic rivals the Qawasim controlled the northern part, that is, the emirates of Sharjah and Ras al Khaymah³¹⁷.

³⁰⁹UAEInteract, History, http://www.uaeinteract.com/uaeint_misc/pdf_2008/English_2008/eyb3.pdf (accessed January 13, 2012).

³¹⁰ Ibid.

³¹¹ Al-Sayegh, F. (1996), "American Missionaries in the UAE region in the Twentieth Century", *Middle Eastern Studies*, Vol. 32, No. 1, pp. 120-139.

³¹²UAEInteract, Op cit.

³¹³Country Profile, UAE (2007), Op cit.

³¹⁴ Al-Muhairi, B. S. B. A. (1996), "The Development of the UAE Legal System and Unification with the Judicial System", *Arab Law Quarterly*, Vol. 11, No. 2, pp. 116-160.

³¹⁵ Ibid.

³¹⁶Country Profile, UAE (2007), Op cit.

³¹⁷Pacione (2005), Op cit.

From the 1850s to the formation of the Federation in 1971, the region remained under the influence of the British colonial administration. The British justified this control over the region to protect the all-important coastline from pirates³¹⁸. Pirates were actively involved in the trading of human beings. They used to capture people from ships after looting their belongings and then sell their captives as slaves in various coastal towns along the Arabian Sea, Persian Gulf, and Red Sea. With this background, we can divide the history of the UAE broadly into two periods. The first period is the pre-independence period dominated by British influence over the region. The second period is the post-independence period, which started after 1971 and saw the emergence of the UAE as a world economic power.

4.4.1 Pre-Independence Period

Until the eighteenth century, the present UAE or the Trucial Emirates was part of the Sultanate of Oman which extended from south Qatar to the Indian Ocean³¹⁹. With Vasco De Gama's discovery of the route to India in 1492, Portuguese interest in the region increased. The Portuguese set up military bases in the area and crushed occasional resistances by the local people, thus dominating the area for nearly 100 years³²⁰. The beginning of the seventeenth century saw the emergence of the British Empire, which drove out the Portuguese and established the dominance of the British³²¹.

For decades before establishing their dominance over the region, the British used to call the Emirates of the UAE the 'Pirate Coast'³²². By the beginning of the nineteenth century, the Qawasims had built a fleet which comprised 60 large vessels capable of putting nearly 20,000 sailors to sea³²³. The powerful Qawasim tribe of the region was against any kind of foreign intervention and always resisted the attempts of foreign countries to control the international trade in the Gulf. This resistance led to a series of conflicts with the forces of

³¹⁸ PKF, UAE, Op cit.

³¹⁹ Al-Muhairi (1996), Op cit.

³²⁰ Ibid.

³²¹ Ibid.

³²² Al-Sayegh (1996), Op cit.

³²³ UAEInteract, Op cit.

the British government of India³²⁴. It was for this reason that the British termed them as ‘pirates’ and the region as the ‘Pirate Coast’³²⁵.

Another important tribe of the UAE, the BaniYas tribe was originally from the arc of villages at Liwa, an inland area, where the focus of economic and social activities were limited to agriculture and pasturing. Due to the increasing importance of Abu Dhabi as a leading pearling centre, the political leader of the BaniYas group, the sheikh of the Al buFalah (Al Nahyan family), moved there from Liwa in the early 1790s³²⁶. In 1833, after a dispute with the ruler of Abu Dhabi, a group of 800 members of an Al buFalah subsection formed another independent sheikhdom in Dubai³²⁷. This event led to the establishment of the Maktoum dynasty in Dubai with Maktoum bin Buti (1833-1852) as its first ruler. Subsequently, all the rulers of Dubai have been from the Al-Maktoum family³²⁸.

Taking advantage of the rivalry between the two prominent tribes of The UAE, the BaniYas and the Qawasim, the British launched a military expedition against the Qawasim in 1819, allying their forces with the BaniYas³²⁹. The reason given by the British was that they wanted to protect the sea routes from pirates. However, the main concerns of the British were quite different. The latent reasons for this expedition were the inherent colonial desires of the British government, establishing their supremacy over the region before any other European nation could do so and to protect their maritime routes in the region, especially the routes of the British East India Company³³⁰. The Qawasim were defeated by the British, who established their maritime control over the trade routes between India and the Gulf³³¹. The British were also successful in curbing the menace of pirates, by a campaign against the pirate headquarters of Ras al Khaymah and other harbours along the coast³³².

³²⁴Al-Sayegh (1996), Op cit.

³²⁵ Ibid.

³²⁶UAEInteract, Op cit.

³²⁷Pacione (2005), Op cit.

³²⁸ Ibid.

³²⁹ Ibid.

³³⁰Country Profile, UAE (2007), Op cit.

³³¹UAEInteract, Op cit.

³³²Country Profile, UAE (2007), Op cit.

In 1820, Britain entered into separate agreements with the principal sheikhdoms and pirates of the region for the establishment of peace in the region. By 1821, the British were successful in coercing the principal Sheikhs of the region to sign a peace treaty called the 'General Treaty of Peace'. However, this treaty was a result of many long and occasionally bloody clashes between the British and the Emirates³³³. From the 1850s, the British colonial administration was able to effectively maintain its influence over the region by entering into formal separate treaties with each Emirate³³⁴. In 1853, the term 'Pirate Coast' was replaced by 'Trucial Coast', after the British concluded a maritime truce with the Sheikhdoms³³⁵. This marked the beginning of an era of co-operation of the Emirates with each other and also with the British Empire³³⁶.

The later part of the nineteenth and early twentieth centuries saw a relative calm in the area. During this period the pearling industry prospered, mainly in the regions around Abu Dhabi and Dubai, generating income and employment for the people³³⁷. The people led a semi-nomadic life, in the summers they used to work in the pearling business while during the winters they engaged themselves in tending to their date gardens. To further consolidate their position in the region, the British Political Resident in the Gulf signed another treaty with the Emirates' rulers, in 1892, according to which all the external affairs of the Emirates came under the direct supervision of British while the rulers were left to handle only their domestic affairs³³⁸. This treaty came as a final blow to the independent status of the Emirates and they came under complete protection and supervision of the British³³⁹.

The First World War had an adverse impact on the economy of these Emirates. The pearling industry suffered major set-backs as a result of the war, the Great Depression of the 1930s and the Japanese invention of the cultured pearl³⁴⁰. This brought severe hardships for the general population, but those hardships were to last for a very short

³³³Al-Muhairi (1996), Op cit.

³³⁴ PKF, UAE, Op cit.

³³⁵Al-Sayegh (1996), Op cit.

³³⁶Country Profile, UAE (2007), Op cit.

³³⁷UAEInteract, Op cit.

³³⁸Al-Muhairi (1996), Op cit.

³³⁹ Ibid.

³⁴⁰UAEInteract, Op cit.

duration of time. The discovery of oil in the UAE in the first half of the twentieth century changed the entire outlook of the region forever. Abu Dhabi started commercial export of crude oil in 1962³⁴¹. The offshore discovery of petroleum in 1966 also revolutionised the economy of Dubai³⁴². With the increased inflow of money, the power structures within and outside the Emirates began to change. As most of the oil reserves were concentrated in Abu Dhabi, it assumed the role of the most affluent emirate³⁴³. Under pressure from the Sheikhs and the neighbouring Kingdom of Saudi Arabia, the British declared their intention of leaving the Emirates in 1968³⁴⁴.

4.4.2 Post-Independence Period

The United Kingdom terminated all its treaties with the seven Trucial coast states in March 1971³⁴⁵. The ruler of Abu Dhabi, Sheikh Zayed bin Sultan Al Nahyan began the efforts of uniting the emirates together. Initially efforts were also made to include Bahrain and Qatar into the federation that was taking shape but that did not materialise. The Federation formally took shape on December 2, 1971 with Sheikh Zayed as its first president and Sheikh Rashid, ruler of Dubai, as the vice-president³⁴⁶.

In the beginning a majority of observers were sceptical about the long-term viability of the political structure of the UAE, which defines the federation³⁴⁷. The rulers of each Emirate were free to assume a considerable degree of autonomy over their areas of jurisdiction. Each Emirate was free to exploit its natural resources, control trade and commerce, regulate customs, deal with financial and judicial matters, as well as pursue policies to maintain public order³⁴⁸. Certain spheres of government like defence and foreign policy were kept under the ambit of the President. Even in these areas the President was supposed

³⁴¹ Ibid.

³⁴² Pacione (2005), Op cit.

³⁴³ Country Profile, UAE (2007), Op cit.

³⁴⁴ Ibid.

³⁴⁵ Ibid.

³⁴⁶ UAEInteract, Op cit.

³⁴⁷ Heard-Bey (2005), Op cit.

³⁴⁸ Rugh, W. A. (1996). "The Foreign Policy of the United Arab Emirates". *Middle East Journal* 50(1): 57-70.

to consult six other rulers on critical policy decisions, but he enjoyed the final say in such matters³⁴⁹.

The unorthodox system of governance followed by the UAE lay to rest all the speculations of its early fall. Instead, the unconventional format of governance proved to be the strength of the UAE, which sustained the overall development of all the emirates by developing a spirit of competition through cooperation between them. If Abu Dhabi boosted its revenues through oil wealth, Dubai utilised its wealth on infrastructure development. The tribal grazing grounds of Dubai, which were of very little use now, were transformed into a source of instant wealth in the form of marketable real estate³⁵⁰. Thus, the independence of the Trucial Emirates resulted in their unification which was followed by large-scale development of all. The transformation of the UAE from a subsistence economy to a highly prosperous one occurred over a very short period of only three decades³⁵¹. The incredible transformation is attributed to the judicious allocation of oil revenues into infrastructure development and promotion of economic activities³⁵².

4.5 The People, Language and Religion

The people of the UAE are known as Emirati(s). Due to a huge influx of expatriates, the nationals of the UAE have now become a minority in their own country. Asians account for the largest share of migrant workers, mostly coming from neighbouring Gulf countries, India, Pakistan, Bangladesh, Sri Lanka, the Philippines and Iran³⁵³. The society in the Trucial states period was more homogenous and derived moral codes of living from the religion Islam. The last 50 years have witnessed such enormous transformations in the society of the UAE that now it represents one of the most racially, ethnically, religiously, and socially mixed societies, which is difficult to be found in any other country³⁵⁴.

³⁴⁹ Ibid.

³⁵⁰ Heard-Bey (2005), Op cit.

³⁵¹ K. C. Zachariah, B. A. P., S. IrudayaRajan (2004). "Indian Workers in UAE: Employment, Wages and Working Conditions". *Economic and Political Weekly* 39(22): 2227-2234.

³⁵² Ibid.

³⁵³ Ibid.

³⁵⁴ Heard-Bey (2005), Op cit.

Arabic is the official language of the country and all official communication with the government is in this language, but owing to the large expatriate population local tongues can also be heard³⁵⁵. Arabic is common in Arab neighbourhoods where people from different Arab countries reside. In private organisations, English is the preferred language as it provides a common communication platform to people speaking different languages. Other languages like Persian, English, Urdu and Hindi are also spoken in the country, but mainly amongst the large expatriate population³⁵⁶.

Islam is the official religion of all the seven states of the UAE and is accepted as the state religion by the constitution of the UAE³⁵⁷. Predominantly, the majority of the UAE's population, approximately around 96% of its citizens, are Muslims. Among Muslims, 85% are Sunnis' and 15% Shias'³⁵⁸. Islam in the UAE is not only considered as a religion, but a way of life by its followers and the community is tenaciously bound to its faith³⁵⁹.

4.6 Climate

The climate of the UAE is hot and dry throughout the year³⁶⁰. The UAE is one of the hottest places in the world with the summer months (July and August) recording temperatures ranging between 100 to 120° F or 37° to 48° C with high humidity³⁶¹. The winter months (January and February) experience mild temperatures with minimum rainfall. The average annual temperature is approximately around 75° F or 24° C³⁶².

4.7 Population

Due to the harsh climatic conditions in the region, most of the Gulf countries have remained sparsely populated. In the pre-oil period the societies of these gulf countries were mostly traditional and the local population scored low on technical skills. The Emirates of the UAE were unequal in size, population and wealth even at the time of their

³⁵⁵PKF, UAE, Op cit.

³⁵⁶Country Profile, UAE (2007), Op cit.

³⁵⁷ Ibid.

³⁵⁸ Ibid.

³⁵⁹Al-Sayegh (1996), Op cit.

³⁶⁰Country Profile, UAE (2007), Op cit.

³⁶¹Al-Sayegh (1996), Op cit.

³⁶² PKF, UAE, Op cit.

unification³⁶³. In 1968, out of a total population of 180,000 inhabitants, nearly 59,000 lived in Dubai, 46,000 in Abu Dhabi, while only 3,744 souls were counted in Umm al Qaywayn. However, the present population shows a clearly different picture. The need for fast paced development resulted in large numbers of foreigners getting jobs in the UAE. Now, between 80% and 85% of inhabitants are foreigners, who came to the UAE in search of better job prospects³⁶⁴. Most of the foreigners belong to countries of the Indian subcontinent and south-east Asia³⁶⁵. As per an estimate of 2007, the total population of the UAE was around 4.40 million³⁶⁶.

The demand for unskilled migrant workers declined substantially in the late 1990s due to the completion of major infrastructure projects; slowdown of economic activities and the emiratisation policy followed by the government of the UAE³⁶⁷. The living conditions of unskilled and semi-skilled workers engaged in the constructions site and major infrastructure projects were not found to be satisfactory. Many workers were found to be working for more than 10 hours a day. They faced problems ranging from non-payment of salaries, denial of wages and non-wage benefits as per contract, refusal to release the passport and the non-payment of charges for the air-ticket as stipulated by the UAE labour laws³⁶⁸. Workers were reluctant to report such problems to the authorities as they were either afraid of being deported back to their home countries or had been smuggled into the country.

4.8 Legal System:

Like most of the countries in the Gulf region, the UAE's constitution considers Islamic Law or 'Shariah' as the principal source of law³⁶⁹. The civil law jurisdiction of the UAE is heavily influenced by French, Roman and Islamic Laws³⁷⁰. The two primary sources of criminal law of the UAE are: Islamic law (Shariah) and modern criminal law which is

³⁶³ Heard-Bey (2005), Op cit.

³⁶⁴ Ibid.

³⁶⁵ Ibid.

³⁶⁶ PKF, UAE, Op cit.

³⁶⁷ Zachariah et al. (2004), Op cit.

³⁶⁸ Ibid.

³⁶⁹ Country Profile, UAE (2007), Op cit.

³⁷⁰ PKF, UAE, Op cit.

based on the provisions of the Federal Penal Code³⁷¹. Shariah principles are applicable to all the criminal and family law matters, but in some criminal cases the penal code may be applied, if the evidence required by Shariah is found to be insufficient³⁷².

The UAE has two main types of laws, which originate from the dual system of government of the UAE. These two types are: federal and local laws³⁷³. The federal laws are governed by the central federal government and are based on a traditional Western approach, whereas the local laws are passed by rulers of emirates and are applicable to that particular emirate only³⁷⁴. The federal laws demarcate the powers vested with the three distinct authorities: executive, legislative and judicial³⁷⁵. Most of the local laws have their origin in Islamic Shariah, tribal customs and traditions. The federal laws are mostly borrowed from the Egyptian legal system which in turn is based on the French legal system³⁷⁶.

The laws and regulations of the UAE forbid human trafficking of all forms. In the Federal Law No 13 of 1996 it is clearly mentioned in Article 33 that a penalty of a minimum 3 years in prison and a maximum penalty of 15 years and a fine of 15,000 Dirhams would be imposed on anyone engaged in/ aiding trafficking³⁷⁷.

4.9 Conclusion

The last few decades have seen the emergence of the United Arab Emirates as an economic power in the international arena. This growth can largely be attributed to the wealth brought in by oil reserves, but it would be considered as an injustice towards the nation if we do not acknowledge the business spirit found in the people. After its formation in 1971 as a union of seven small emirates, the UAE has diversified its economy into trading, tourism and real estate, gradually decreasing its dependence on oil exports. The UAE has maintained cordial relations with its neighbouring countries, as well as with the Western world. Although it is mainly inhabited by an expatriate population nearly 96% of the

³⁷¹Al-Muhairi (1996), Op cit.

³⁷²Country Profile, UAE (2007), Op cit.

³⁷³ PKF, UAE, Op cit.

³⁷⁴Al-Muhairi (1996), Op cit.

³⁷⁵ Ibid.

³⁷⁶ Ibid.

³⁷⁷Sabban, R., Op cit.

citizens are Muslims. With a hot and dry climate throughout the year, the region is mostly sparsely populated. The legal system of the country is derived from Islamic Shariah. Although its civil jurisdiction is also heavily influenced by French and Roman laws.

Chapter Five: Combating Human Trafficking in the UAE

5.1 Introduction

Human trafficking has been considered as the one of the fastest growing criminal businesses of the world, second only to the sale of illegal weapons and the drug trade³⁷⁸. A multidisciplinary international approach is required to prevent this trade, as it comes under the ambit of various factors like human rights violations, discrimination, rule of law, law enforcement, economic deprivation, corruption and migration³⁷⁹. Due to the rapid growth of the UAE's economy, human traffickers find it to be a lucrative place for the trading of women for sexual and labour exploitation³⁸⁰. Statistically it is reported that the United Arab Emirates is a country with a high level of "pull factors" for migrant workers and its economy is almost totally driven by these workers³⁸¹.

Traditionally, the families in the UAE preferred male domestic workers, but now a domestic worker may be a woman. It is important to understand here that in the UAE's society slavery was practiced as recently as the late 1960s³⁸². Foreign female workers work everywhere in the UAE, in all homes, in large cities, malls, clubs, and even in desert areas where they help Bedouins with therearing of animals. Clear statistics about the number of foreign female workers is not available. These workers come from different parts of the world, especially from South Asian countries like India, Sri Lanka, the Philippines, and Indonesia. Owing to the strong historical and intellectual connection between the UAE and India, there was a large influx of migrant domestic workers from India in the 1970s. However, from the 1970s to date, the Philippines have assumed a significant role in sending domestic workers to the UAE³⁸³.

Many articles and reports concerned with human trafficking issues in the UAE have considered that the UAE has not dealt with issues in an appropriate manner:

³⁷⁸AlBalooshi, M. and Basnet, G. (2011), "More than Just Law to Fight Scourge of Human Trafficking", <http://nohumantrafficking.org/?p=1874>, (accessed February 22, 2012).

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹Sabban, R., Op cit.

³⁸² Ibid.

³⁸³ Ibid.

There were some reports^{384,385} from the period 2000 until 2005 that claimed the efforts of the UAE to combat human trafficking were lacking. These reports were issued from both governmental and non-governmental human trafficking monitors. For instance, the UN and Anti-Slavery International³⁸⁶ stated that each year more than a hundred children are smuggled and trafficked from South Asia to the Gulf countries and particularly to the UAE,³⁸⁷ where they are exploited as camel jockeys. Camel racing is a popular traditional sport in the United Arab Emirates.³⁸⁸

In a subsequent report by the HRW in 2007³⁸⁹, Gulf Cooperation States (GCC) overall were criticised for failing to prevent significant abuse of Sri Lankan maids, as 90% of the estimated 660,000 who work abroad are employed in these Gulf states. However, the report specifically accused employers in the UAE, Saudi Arabia and Kuwait of withholding their passports and confining them to their place of work. This report was titled, *Exported and Exposed*, and describes how 'domestic workers typically labour for 16 to 21 hours a day, without rest-breaks or days-off, for extremely low wages of 15 to 30 US cents per hour.' Nevertheless, the UAE responded to these criticisms by complaining that the HRW had 'once again chosen to ignore many of the positive steps adopted by the UAE to improve conditions for temporary foreign workers in the country'.³⁹⁰

The 2007 report issued by the UAE National Committee to Combat Human Trafficking³⁹¹ pointed out that the victims of human trafficking in the UAE are likely to be single women under 30 years old who are brought in by tourist agencies. The government needs to expand more efforts in strengthening the law to combat human trafficking by strengthening and modifying other laws, such as tourism and labour laws. The country faces barriers in

³⁸⁴ Human Rights Report (2005), 'Country Report on Human Rights Practices', US Department of State Bureau of Democracy, Human Rights and Labour, www.state.gov/g/drl/rls/hrrpt/2005/61701.htm (January 06, 2011).

³⁸⁵ "2004 Country Reports on Human Rights Practices", Op cit.

³⁸⁶ Mailto. (2003) "The Shocking Violations of Children's Rights", UAE Prison. http://www.uaepison.com/child_rights_news_2003.htm (accessed December 4, 2009).

³⁸⁷ Center, Asia-Pacific Human Right Information. (1997) "Bangladeshi Child as Camel Jockey: An Inhuman Joke". <http://www.hurights.or.jp/archives/focus/section2/1997/03/bangladeshi-child-as-camel-jockey-an-inhuman-joke.html> (accessed December 04, 2009).

³⁸⁸ Li, A. Sami Malik and Kun. (2005) "Child camel jockeys return home". http://www.unicef.org/protection/pakistan_27517.html (accessed November 09, 2009).

³⁸⁹ Sri Lanka abuse 'rampant' in Gulf, http://news.bbc.co.uk/1/hi/world/south_asia/7093842.stm (accessed November 9, 2009).

³⁹⁰ Ibid.

³⁹¹ "Combat Human Trafficking", UAE Report 2007, Op cit.

achieving this, as the laws are not connected to each other sufficiently. The report illustrated that cases of prostitution have increased from 307 in 2006 to 398 in 2007, showing that there are some loopholes in either the law itself or the enforcement of the law.³⁹²

Also, according to AtulAneja, there have been many reports accusing the UAE of being a transit country for human smuggling in the region. In December 2007, 247 suspects were arrested by the police in Dubai, including 170 who were working in the sex trade. Women from East Asia, Morocco, Armenia, Uzbekistan, India and other countries 'have been reportedly trafficked to the UAE'.³⁹³

Furthermore, by 2008, the UAE had become known as the region's centre for human slavery, as many girls were brought to Dubai to work as prostitutes, and usually under false pretences.³⁹⁴ Moreover, sexual exploitation of girls is one of the clearest forms of human trafficking, and this takes place for commercial profit, and usually without the knowledge or consent of the victims. Subsequently, many girls who are subjected to this sexual exploitation attempt to escape from their situation, particularly as this physical abuse also includes abusing their morals and modesty. Nevertheless, the responsible authorities in the country have done little to address this serious criminal activity, and this reflects poorly on the country, particularly as it appears that these trafficked girls are chosen for specific destinations, and that their rates of sale are higher in places such as the UAE.³⁹⁵

According to a report issued by the United States Government in 2009,³⁹⁶ the UAE was placed on the Tier 2 Watch List. The US Government accused the UAE of not fully complying with the minimum standards for the elimination of trafficking. The report asserted that 'there were no discernable anti-trafficking efforts against the forced labour of temporary migrant workers and domestic servants', although the country showed many

³⁹² Ibid.

³⁹³ Aneja, A. Dubai declares war on human trafficking The Hindu, (DUBAI 2007), (accessed: October 28, 2009], <http://www.hindu.com/2007/12/06/stories/2007120652521500.htm>.

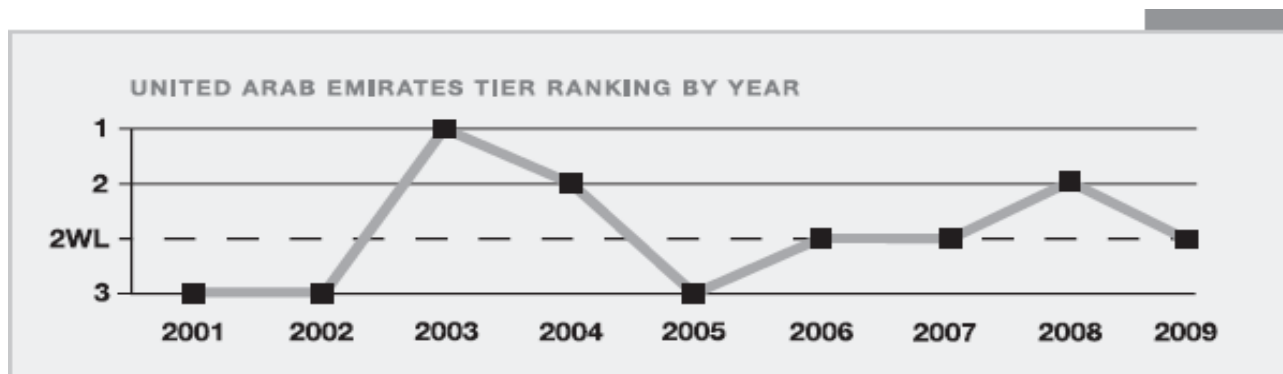
³⁹⁴ Davidson, C.M. Dubai the Vulnerability of Success, Columbia University Press, New York.

³⁹⁵ Trafficking in women and children in India, P.M. Nair, Orient Longman.

³⁹⁶ U.S Department of State, Tier Placements, Trafficking in Persons Report 2009.

efforts ‘to prosecute and convict sex trafficking offenders during the year and made modest progress to provide protection to female trafficking victims.’

Figure 5.1: UAE Ranking



The above graph illustrates that the efforts made by the UAE government, since it issued the human trafficking law in 2006, are insufficient. According to the Trafficking in Persons Report 2009, the Office to Monitor and Combat Trafficking in Persons has divided the countries into four categories. Tier 2 includes ‘countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards’,³⁹⁷ whereas the UAE was included in Tier 2 Watch List (Tier 2WL). Tier 2WL includes:

"Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards and:

- a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
- b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year".³⁹⁸

Finally, Tier 3 includes ‘countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.’³⁹⁹

³⁹⁷ Ibid.

³⁹⁸ Ibid.

The position of the UAE has not been good as per the ranking, allocated in the last ten years. The country figured consistently for two years (2001 and 2002) as a tier 1 country, then, saw a sudden, dramatic improvement in its ranking in 2003 and figured as a tier 1 country. However, it failed to maintain this ranking in subsequent years, which again fell to tier 3 rank in 2005. In 2009 the ranking of the UAE was 2WL meaning thereby that the country has failed in complying fully with the minimum standards of TVPA.

According to a recent report produced by Aljazeera in 2009, the UAE is one of 170 countries which is not doing enough regarding combating the issue of human trafficking. Every year, more than one million people are being trafficked around the world 'to work in near slavery' and the UAE is one of those countries which hosts trafficked people, especially women and children. Aljazeera claims that women are being 'forced to work in the sex trade' in both Dubai and Abu Dhabi.⁴⁰⁰

The economic growth has brought many Western expatriates to work in the UAE and the oil wealth has made many native families, influential to the extent that they hire large numbers of cheap migrant labour. Most the domestic labourers are women and girls who are trafficked into the country on false promises of decent jobs⁴⁰¹. Some of these, women and girls, are also trafficked to fuel the booming sex trade of the UAE, more particularly that of Dubai, giving it the name of the 'Centre for Prostitution' in the Middle East⁴⁰².

The United Nations Office on Drugs and Crimes (UNODC) in its 2009 Global Report on Trafficking in Persons has mentioned that between 2003 and 2007, a total of 79 victims of human trafficking were identified and out of them 72 were women⁴⁰³. However, according to international experts, these figures are just the tip of an iceberg. At ground zero, there are thousands of women and children, who are brought into the country on false promises of jobs and are subjugated to various types of exploitation⁴⁰⁴. In 2006 the Human Rights

³⁹⁹ Ibid.

⁴⁰⁰ Human trafficking plagues UAE, (Qatar 2009), Emirates at 2 September 2009 <<http://english.aljazeera.net/news/middleeast/2009/07/20097308334579616.html>>.

⁴⁰¹ Sönmez, S., Apostopoulos, Y., Tran, D. and Rentrop, S. (2011) "Human Rights and Health Disparities for Migrant Workers in UAE", *Health and Human Rights*, <http://www.hhrjournal.org/index.php/hhr/article/view/435/665>, (accessed February 23, 2012).

⁴⁰² Ibid.

⁴⁰³ Albalooshi and Basnet, (2011), Op cit.

⁴⁰⁴ Ibid.

Watch (HRW) report “Creating Towers, Cheating Workers” created panic in the UAE government and it decided to take initiatives on the suggestions made in the report⁴⁰⁵. Although nothing had greatly changed, HRW titled its 2009 report on Abu Dhabi’s Saadiyat Island as ‘The Island of Happiness’⁴⁰⁶.

Children as young as 10 years old are employed in traditional camel racing competitions. Such children suffer not only physical and mental abuses, but are also exploited sexually by the camel racers⁴⁰⁷. Under pressure from the international community the UAE banned the use of children as camel jockeys in 2005 and repatriated many to their home countries. But as recently as 2010, evidence has surfaced supporting the view that minors are still being used in such races⁴⁰⁸.

As a result of the severe exploitation meted out to their citizens, countries like Pakistan have started refusing to let their citizens work as domestic labourers in GCC countries⁴⁰⁹. Other countries like India, the Philippines, Sri Lanka, Indonesia and Bangladesh have started negotiations with the government of the UAE to fix monthly minimum wages for labourers⁴¹⁰.

5.2 The Situation and Efforts in the UAE Regarding Human Trafficking:

Human trafficking has become a menace the world over. It is estimated that the number of people globally trafficked across international borders are around 600,000 to 800,000 per year⁴¹¹. The Gulf region’s share in this annual trafficking number is increasing at a considerable rate. The discovery of crude oil has brought about a sea change in the entire region. The oil rich countries have attracted large-scale international migration of temporary workers⁴¹². The fast paced development of these countries, especially Saudi Arabia, United Arab Emirates (the UAE), Kuwait, Iraq, etc has led to a shortage of

⁴⁰⁵Sönmez et al. (2011), Op cit.

⁴⁰⁶ Ibid.

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid.

⁴⁰⁹ Ibid.

⁴¹⁰ Ibid.

⁴¹¹Touzenis, K. (2010). Trafficking in Human Beings: Human Rights and Trans-National Criminal Law, Developments in Law and Practices.UNESCO Migration Studies 3. A. P. Paul de Guchteneire. France, United Nations Educational, Scientific and Cultural Organization: 173.

⁴¹² Clarke, J. I. (1985). “Islamic Populations: Limited Demographic Transition”. *Geography* 70(2): 118-128.

workers, which has often been compensated by trafficking in humans. The combined strength of the unskilled and semi-skilled migrant workforce in the Gulf States is nearly ten million⁴¹³.

The UAE has attracted a large number of foreign expatriates due to its strategic location combined with economic prosperity and annual trade surplus⁴¹⁴. The dominant socio-economic features of the UAE are: a small indigenous population, a large expatriate population, and immense wealth generated by oil⁴¹⁵. The socio-demographic environment of the UAE, especially Dubai, is much different from that of its neighbouring Muslim countries and, thus, the UAE has been successful in retaining its widely diverse expatriate population. The migrants constituted around 90% of the UAE's 1.7 million workers in 2003⁴¹⁶.

5.2.1 The situation and efforts in the UAE regarding human trafficking before establishing law of human trafficking:

The loose, federal and tribal structure of the United Arab Emirates made it easier for the traffickers to go on with their activities⁴¹⁷. The rulers of all the seven emirates had a sense of autonomy which acted against the image of unity as portrayed by the country. The practice of slavery was deeply engraved in the society which made it difficult for the authorities at the centre to effectively weed out human trafficking before the passage of anti-trafficking law in 2006. The Sheikh or head of an emirate would take independent decisions over his sheikhdom and there was always a strong probability that these decisions might not be in line with the federal laws. In Emirates, where oil revenues were minimum, illegal activities flourished. Ajman's proximity to Dubai, its inexpensive rental dwellings and loose regulations made it a hotspot for illegal migrants and their agents⁴¹⁸.

⁴¹³“Dubai: Migrant Workers at Risk”, Human Rights Watch (2003), www.hrw.org/en/news/2003/09/18/dubai-migrant-workers-risk (accessed January 24, 2012).

⁴¹⁴The Online Fact Book 2011.

⁴¹⁵Shihab (2001), Op cit.

⁴¹⁶Human Rights Watch (2003), Op cit.

⁴¹⁷Sabban, R., Op Cit.

⁴¹⁸ Ibid.

The 2003 ranking of the US Department of State placed the UAE in Tier 1 countries, that is, the countries which were actively involved in fighting trafficking⁴¹⁹. Through the combined efforts of the UAE government and the United Nations, around 1000 children were repatriated to their home countries between late 2005 and early 2006⁴²⁰. Despite sincere efforts by the government, the media reports of 2004 highlight that the number of girls and women trafficked into the UAE, especially Dubai, for sexual exploitation increased⁴²¹. Most of these girls were brought into the country on false job offers but were forced into prostitution after their passports were seized and travel documents confiscated. Not only girls are trafficked into the UAE, but thousands of children are also trafficked to be used as beggars and camel jockeys⁴²².

There are hundreds of testimonies of victims of human trafficking available in different reports which reflects the seriousness of the crime. A few select cases of human trafficking reported from Dubai are presented below. The majority of cases of human trafficking reported in the UAE are related to sexual exploitation where the victims are forced into prostitution. Islam prohibits sexual exploitation and prostitution and both are considered as major sins in Islam, but still many cases of sexual exploitation and prostitution have been reported from the UAE. Most of the victims are brought into the country on false promises of better job opportunities and decent living conditions. It is upon their arrival in the country that the reality unfolds and they find themselves to be helpless against the threats of traffickers.

In a case of 2004, 10 men and 5 women were arrested for trafficking entrapped girls to the UAE from Iran⁴²³. The group used to send almost 50 runaway girls to the UAE on a monthly basis, after picking them up from the streets of Tehran by promising them a better

⁴¹⁹Mary, H., Cooper, D. M. and Triplett, W. (2004). Human Trafficking and Slavery. T. J. Colin, *CQ Researcher*. 14: 273-296.

⁴²⁰Country Profile, UAE (2007), Op cit.

⁴²¹"2004 Country Reports on Human Rights Practices" US Department of State Bureau of Democracy, Human Rights, and Labour (2005), www.state.gov/g/drl/rls/hrrpt/2004/41734.htm (accessed January 25, 2012).

⁴²²Human Rights Watch (2003), Op cit.

⁴²³Sex Trafficking of Children in the Middle East, ECPAT International, http://ecpat.net/EI/Publications/Trafficking/Factsheet_Middle_East.pdf (accessed January 30, 2012).

and prosperous life and marriage to Arab sheikhs. However, upon arrival in the UAE, the girls were handed over to brothels and prostitution networks⁴²⁴.

In November 2005, a member of a trafficking ring offered “Mariam’s” father an advance payment of US \$6,000 for her, saying she would work for a family in Dubai. He was promised that his daughter would be returned to Iraq after finishing a one-year contract. Mariam, 16, was instead forced into the sex trade. ‘I was a virgin and didn’t understand what sex was. I was told that they [the traffickers] were going to get good money for my first night with an old local man who paid for my virginity. He was aggressive and hit me all the time,’ said Mariam. Mariam was kept in a house with 20 young girls, all of them sex workers, she said. Before she left Iraq, she and her three sisters were being cared for by her father. Their mother was killed during the US led invasion of the country in 2003. Mariam said that her father could not cope with looking after the children on his own and wanted her to go abroad, particularly given the increasing insecurity and daily violence in Iraq. Mariam said she faced daily threats in Dubai from the traffickers, warning her not to try to leave. However, she managed to escape and is now back in Baghdad being looked after by a local NGO, the Organisation for Women’s Freedom⁴²⁵.

Teenage girls selling flowers on Islamabad roads are being trafficked to some Middle East countries ostensibly for employment but instead are used for sex. The girls are trafficked on passports bearing fake names. Traffickers lured a young flower vendor to Muridke, a town near Lahore, where she was issued with a passport on the basis of a fake name. She was sent abroad and was sold for prostitution in Dubai. The trafficking ring has reportedly smuggled about 40 young girls to the Middle East for prostitution. The police have made several arrests related to the case in 2007⁴²⁶.

According to a military Colonel, a network trafficking Iranian girls was discovered in the Persian Gulf countries. The traffickers identified young women and girls from families

⁴²⁴Ibid.

⁴²⁵ Reuters. ‘Sex traffickers target women in war-torn Iraq’, 26 October 2006, <http://www.alertnet.org/thenews/newsdesk/IRIN/38db2e39d044b5618c8e973059c18ca9.htm>, (accessed July 18, 2009).

⁴²⁶ “Teenaged girls trafficked to the Middle East”. *The News International* (Pakistan), 15 February 2007, http://www.thenews.com.pk/top_story_detail.asp?Id=5851, (accessed March 20, 2009).

with financial difficulties, then under the pretext of offering them better lives, they offered money to the families. Within three weeks, with legal official passports, they transferred these girls to Dubai. After arrival in Dubai, they introduced these girls to Arab businessmen. Each girl was sold for \$5,000 to be given to their families and 10 times the amount for the traffickers. The Colonel stated that there are many rings lurking around looking for these young women and girls, and that they use these runaway girls for stealing, trafficking and for illicit drugs and sex; they also use these victims for organ trafficking⁴²⁷.

In 2004, 10 men and 5 women involved in a trafficking ring that entrapped girls and took them to Dubai were arrested. The ring had two houses in a residential area in the north and centre of the city. The deceived girls were taken to these houses before departing Iran. This criminal ring identified women in Tehran and after arranging all the details, transported 50 young girls to the United Arab Emirates on a monthly basis. Most of the entrapment was done by a young man who was a taxi driver. He drove around town and identified runaway girls and took them to these houses. Then, other people in the ring took the girls and arranged for their visa and passport to go to the UAE. The travel details took no more than a month and were arranged under the pretext of tourism. While waiting for passports and visas, these girls were promised a better and prosperous life and marriage to Arab Sheikhs. However, after entering the UAE, the ring members handed these girls over to brothels and prostitution networks⁴²⁸.

The major problem with the law enforcement agencies was that they were lacking the details about the scope of human trafficking in the country. There was no governing body to deal specifically with the issues related to trafficking in human beings. Moreover, the country also lacked an account of the effective law to combat trafficking. The incidences of human trafficking were reported mainly from Dubai and Abu Dhabi but the lack of a central agency to compile the nationwide data and draw patterns from that greatly

⁴²⁷ 'The price of Iranian girls after entering the Persian Gulf trafficking market,' *SINA News Agency*, May 2004, Women's Forum Against Fundamentalism in Iran (WFAFI) http://www.wfafi.org/SINA_Trafficking-Market.htm, (accessed March 12, 2009).

⁴²⁸ Ibid.

hampered anti-trafficking efforts. These two shortcomings were addressed in the coming years as per the details given in the subsequent section.

5.2.2 The situation and efforts in the UAE regarding the human trafficking after establishment of law of human trafficking

The UAE is among the elite group of Arab countries which have enacted anti-human trafficking legislation⁴²⁹. Since November 2006, the government of the UAE has taken some concrete steps to eliminate the problem of human trafficking⁴³⁰. The most prominent one among these was the adoption of a new federal law providing for strict enforcement provisions and penalties for convicts. The Federal Law No 51 of 9 November, 2006 is now considered as the official starting point of the UAE government's initiatives to combat the problem of human trafficking at a local level⁴³¹. The law provides for the establishment of Ewa'a - shelters for women and children who are victims of human trafficking and sexual exploitation⁴³².

In 2007, to coordinate anti-trafficking efforts in all the seven Emirates, the UAE National Committee to Combat Human Trafficking was formed⁴³³. This national committee organises meetings, workshops and visits to increase the awareness of human trafficking. It also represents the UAE at international conferences related to combating human trafficking⁴³⁴.

Apart from adopting Federal Law 51 and establishment of the National Committee to Combat Human Trafficking, the government has taken other major steps to combat human trafficking. These include publishing an annual report on combating human trafficking, enhancement of the scope of human trafficking laws, closely monitoring cases of immigration and passports, protecting labourer's rights by appropriate labour laws,

⁴²⁹Mattar, M. Y. (2011). "Human Rights Legislation in the Arab World: The Case of Human Trafficking." *Michigan Journal of International Law* 33(101): 101-131.

⁴³⁰"Initiatives to Combat Human Trafficking." Retrieved January 29, 2012, from <http://www.uae-embassy.org/uae/human-rights/human-trafficking>.

⁴³¹"UAE Efforts in Combating Human Trafficking." Retrieved January 30, 2012, from <http://www.shwc.ae/portal/uae.efforts.in.combat.human.trafficking.aspx>.

⁴³²Ibid.

⁴³³"Initiatives to Combat Human Trafficking", Op cit.

⁴³⁴"UAE Efforts in Combating Human Trafficking", Op cit.

providing support and care to victims of human trafficking, preventing the use of children in camel racing, establishment of a Social Support Centre in Abu Dhabi and a Directorate for Human Rights Protection in Dubai⁴³⁵.

Even after continued government initiatives to curb the menace of human trafficking in the UAE, trafficking of women and girls to be used as prostitutes and domestic workers, and that of men used as servants, labourers and unskilled workers, continues unabated in the UAE⁴³⁶. A report looking into the cases of human trafficking between 2001 and 2010 blames the UAE for being a destination for trafficked persons from South and Southeast Asia, who are subjected to labour and commercial sexual exploitation⁴³⁷. Some of the women, who travel to the UAE for work as domestic workers and administrative staff, are subjected to harassment such as restrictions on free movement, withholding of passport, non-payment of wages, threats and in some cases physical and sexual abuse⁴³⁸.

In 2012, the government of the UAE was praised for its anti-trafficking measures, which involved prosecution and punishment for sex trafficking offenders. But the government was lax in its efforts in combating forced labour, including the widespread practice of withholding of passports, restriction on movement, non-payment of wages, and physical or sexual abuse⁴³⁹. In the case of camel jockeys many children were repatriated to their native countries. The government issued guidelines for the use of robot jockeys in camel races as a substitute for children. The government has effectively controlled sex trafficking in the country through sustained law enforcement efforts. Similar efforts are still required in the area of punishing labour offences⁴⁴⁰.

However, acknowledging the efforts of government of the UAE in combating human trafficking, the United States, State Department in its 2008 annual report on human

⁴³⁵Ibid.

⁴³⁶Country Profile, UAE (2007), Op cit.

⁴³⁷"Human Trafficking and Modern Day Slavery", <http://gvnet.com/humantrafficking/UnitedArabEmirates.htm>, (accessed January 30, 2012).

⁴³⁸Ibid.

⁴³⁹Katzman, K. (2013), "The United Arab Emirates: Issues for U.S. Policy", CRS Report for Congress, Congressional Research Service, RS21852.

⁴⁴⁰ Ibid.

trafficking removed the UAE from the watch list and grouped it as a Tier 2 country⁴⁴¹. To make anti-human trafficking measures more effective major reforms are needed in labour and immigration laws, stronger monitoring of recruitment agencies is required, together with stringent screening for trafficking, and provisions for prosecution for trafficking into forced labour⁴⁴².

In the latest 'Trafficking in Persons' report of the US State Department it is stated that the government of the UAE still does not fully comply with the minimum standards for the elimination of human trafficking. Among the significant efforts of the government to curb trafficking include continued prosecution and punishment of sex trafficking offenders. However, the efforts to prosecute forced labour practices were not clear. To provide avenues for migrant workers to register their complaints, the government has opened up hotlines and mobile units, but there were no shelter homes and other benefits available to male victims of human trafficking⁴⁴³. The government has continued with its trafficking awareness campaigns, which are more inclined towards spreading awareness about trafficking of women and children for the purpose of sexual exploitation. Equivalent efforts to promote anti-labour exploitation measures were lacking in the UAE. Male forced labour victims largely remained unprotected in the country due to a seemingly reluctant attitude of the government in pushing for stringent measures to combat trafficking for forced labour.

The law on human trafficking filled the basic lacunae in the legislation of the UAE in curbing trafficking in human beings. It provided the necessary tool to enforcement agencies to implement the anti-trafficking measures and to book the offenders properly according to the law. However, instances of human trafficking are still reported, in fact, there has been an increase in such cases in recent years. The problem has been exaggerated mainly because of the problems with the enforcement of the law. The situation in the UAE can be contrasted with that prevailing in the UK. The government of the UK provided sustained funding to help the victims of sex trafficking. The UK government also provided training to the staff and police officers to deal with the victims in a humane manner and to

⁴⁴¹ United Arab Emirates (UAE) Country Summary (2009), Human Rights Watch, <http://www.hrw.org/world-report-2009/united-arab-emirates-uae>, (accessed January 30, 2012).

⁴⁴² Ibid.

⁴⁴³ Trafficking in Persons Report 2013.

be able to identify the victims through enhanced surveillance⁴⁴⁴. The measures for the rehabilitation of victims have also been started by the government of the UAE.

5.2.2.1 Legislation:

The Federal Law 51 of the UAE constitution passed in 2006 provides a legal framework for handling all the human trafficking cases⁴⁴⁵. The law takes a multi-disciplinary approach to deal with such cases by including provisions for its strict enforcement and severe penalties for those convicted for human trafficking⁴⁴⁶. The legislation has helped in increasing awareness among the people about the negative consequences of human trafficking. Since 2006, the UAE has strived hard to adhere to various protocols of the international community including those of the United Nations to prevent the trafficking of persons on its soil⁴⁴⁷.

The Federal Law 51 is considered to be a comprehensive effort by the government of the UAE to curb human trafficking. The law provides an elaborate definition of trafficking in its article one as follows:

"recruiting, transporting, transferring, harbouring, or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation, engaging others in prostitution, servitude, forced labour, enslavement, quasi-slavery practices, or the detachment of organs"⁴⁴⁸.

With the enactment of this law, the UAE has been able to successfully express its willingness to the international community that the country considers human trafficking to be a serious offence against humanity. By defining in detail the various forms, means and examples of human trafficking, this law captures the different facets of human trafficking and is in line with various other international legislation⁴⁴⁹. In order to discourage human trafficking, it calls for strong punitive actions against the persons convicted for such

⁴⁴⁴Trafficking in Persons Report 2009, Op cit.

⁴⁴⁵ "Combating Human Trafficking in the UAE: Annual Report 2009-10", National Committee to Combat Human Trafficking, Abu Dhabi, UAE, <http://www.nccht.gov.ae/en/Publications/PDF/81020111102143972500.pdf>, (accessed January 28, 2012).

⁴⁴⁶"Initiatives to Combat Human Trafficking", Op cit.

⁴⁴⁷ Ibid.

⁴⁴⁸"Combating Human Trafficking in the UAE: Annual Report 2009-10", Op cit.

⁴⁴⁹ Ibid.

crimes. The punishments range from one year imprisonment to life imprisonment, in cases where the offence is carried out through deceit, force, torture, bodily harm or threat of murder⁴⁵⁰. Monetary fines range from 100,000 dirhams to 1 million dirhams. The legislation adopted by the government of the UK have been discussed in chapter 5. The definitions of human trafficking in the legislation of the two countries are almost identical.

5.2.2.2 Enforcement:

A strong law does not always result in the desired outcome. For a law to act as an effective and efficient tool in combating a crime, it must be properly enforceable through the depth of its scope and adequately trained enforcement officers. The UAE has taken steps to increase the capacity and awareness about the Federal Law 51 by conducting workshops and providing training to police officers and public prosecutors⁴⁵¹. In the first annual report on human trafficking released in May 2008, the UAE for the first time publicly acknowledged the occurrence of trafficking on its land and dedicated substantial funds to combat trafficking and related crimes⁴⁵². Efforts of combating human trafficking also included devising new methods to monitor and track human rights violations. These new methods include strict monitoring of children coming into the kingdom and verifying the credentials of the persons accompanying them.

The National Committee to Combat Human Trafficking, formed in 2007, gave teeth to the Anti-Trafficking Law. The committee, which includes members from Ministries of Interior, Foreign Affairs, Labour, Health and Social Welfare along with members from state security and the UAE Red Crescent Society, coordinates the efforts and initiatives of all the seven Emirates in enforcing anti-trafficking measures⁴⁵³. There has been a notable increase in the number of cases registered under the Federal Law 51 from only 10 cases in 2007 to 43 in 2009⁴⁵⁴. The annual report for 2010-11 showed a further increase in the

⁴⁵⁰ Ibid.

⁴⁵¹“Initiatives to Combat Human Trafficking”, Op cit.

⁴⁵²UAE Country Summary (2009), Human Rights Watch, Op Cit.

⁴⁵³“Combating Human Trafficking in the UAE: Annual Report 2009-10”, Op cit.

⁴⁵⁴ Ibid

number of cases to 58⁴⁵⁵ which declined in 2011 to 37 only. However, the number of cases again increased in 2012 to 47. These 47 cases involved 75 victims and resulted in the arrest of 149 individuals as traffickers⁴⁵⁶.

The total number of prosecutions in 2012 were 31 cases involving 91 traffickers. The convictions of these traffickers saw imposition of stiff penalties ranging from one year to life imprisonment and fines. Another important feature of human trafficking in the UAE is that the crime is also changing its form. Earlier all the cases of human trafficking involved sexual exploitation of victims but in 2011 some cases pertaining to labour exploitation, forced labour and even in a few instances sale of children were also recorded⁴⁵⁷. These new trends require more vigilance from the authorities and law enforcement officers. Two cases involving the use of information technology were also detected. In the first, three Latin American women were lured for jobs in the UAE through some website but were later pushed into prostitution. In the second case, a Filipino woman befriended a fellow country woman on Facebook, brought her to Dubai after promising a decent job and then forced her into prostitution.

Table 5.1: Cases/ Traffickers/ Victims (Emirate-wise) 2012⁴⁵⁸

Cases/ Traffickers/ Victims (2012)			
Source	Cases	Traffickers	Victims
Abu Dhabi	5	8	10
Dubai	22	81	34
Sharjah	13	34	16
Ajman	3	8	3
Ras Al-Khaimah	3	17	11
Fujairah	1	1	1
Total	47	149	75

⁴⁵⁵“Combating Human Trafficking in the UAE: Annual Report 2010-11”, <http://www.nccht.gov.ae/en/Publications/PDF/6720111425174190000.pdf>, National Committee to Combat Human Trafficking, Abu Dhabi, UAE, (accessed April 28, 2013).

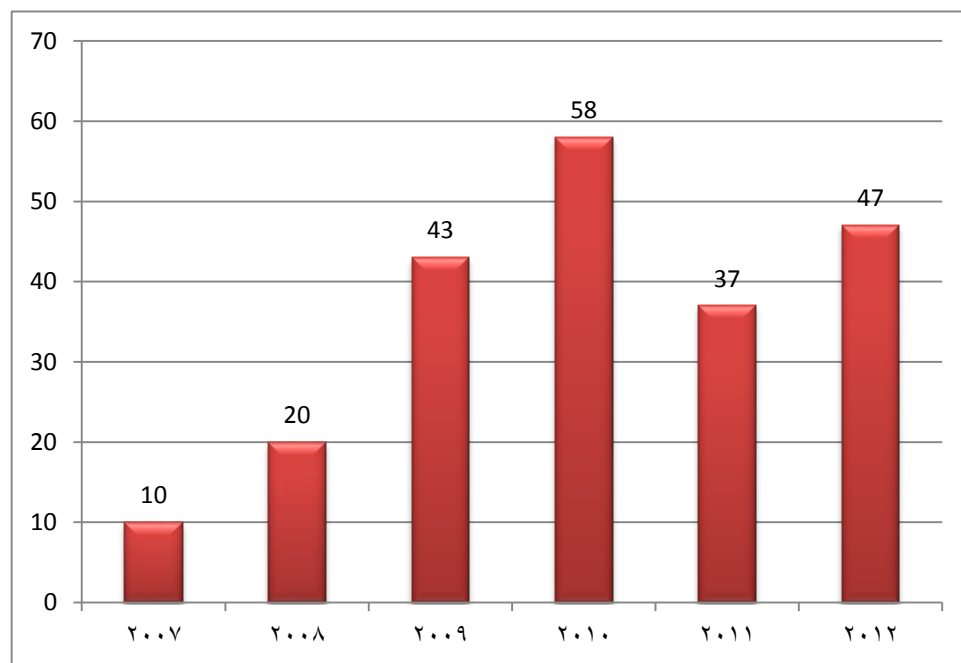
⁴⁵⁶ “Combating Human Trafficking in the UAE: Annual Report 2012-13”, National Committee to Combat Human Trafficking, Abu Dhabi, UAE, <http://www.nccht.gov.ae/en/Publications/PDF/42920131040491272500.pdf>, (accessed April 28, 2013).

⁴⁵⁷ Ibid.

⁴⁵⁸ Ibid.

Also in 2012, the majority of cases were reported from Dubai (22) involving highest number of traffickers (81). As a result the numbers of victims (34) were also highest in Dubai. Dubai was followed by Sharjah, which reported 13 new cases involving 34 traffickers and 16 victims.

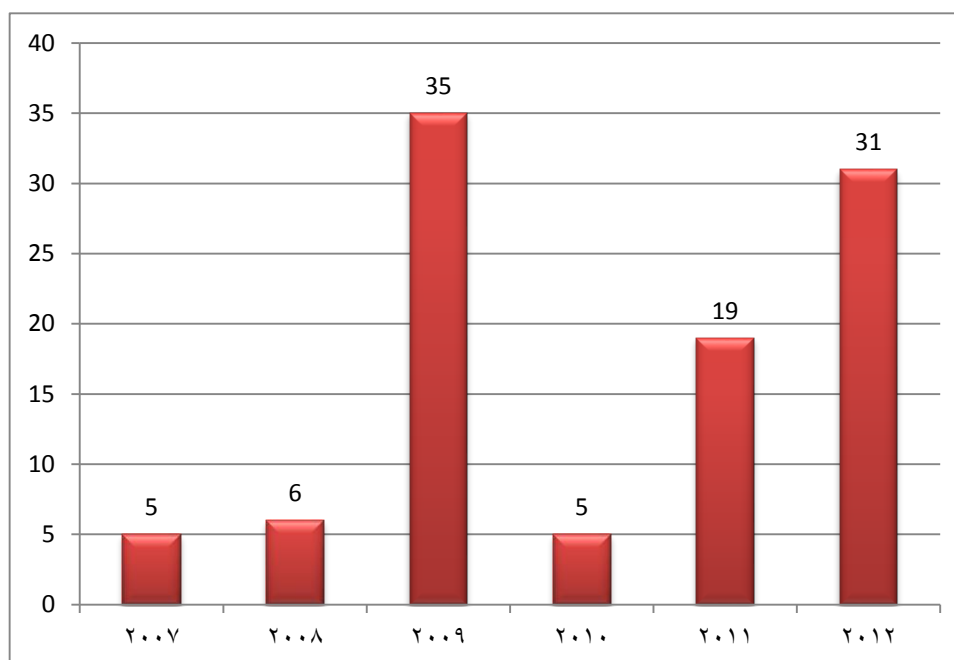
Figure 5.2: Human Trafficking Cases, the UAE 2007 - 2012⁴⁵⁹



There was a surge in the number of cases in 2012 which increased to 47 from 37 in 2011. This increase can be attributed to the changing nature of human trafficking in the UAE. Apart from cases of sexual exploitation, other forms of exploitation involving forced labour and child trafficking were also reported.

⁴⁵⁹ Ibid.

Figure 5.3: Number of Convicted Cases 2007 - 2012⁴⁶⁰



The conviction rate improved in 2012 with 31 convictions out of 47 cases. The conviction rate for 2012 stood at nearly 66%, much better than 51% for 2011, but this conviction rate was still much lower than that achieved in 2009 (nearly 81%).

In order to ensure better enforcement, profiling of companies likely to be involved in trafficking is undertaken and strict surveillance is kept on them. In 2007 two night clubs were shut as they were found to be involved in the exploitation of women⁴⁶¹. Through better efforts on the part of the police and anti-trafficking agencies, more and more incidents of human trafficking and children being used as camel jockeys were detected. As per the records of the Bangladesh mission, by 2008 such incidents dropped to low levels⁴⁶².

There were reports of continued forced labour in the construction sector and domestic service. The government's efforts failed to provide relief to victims of forced labour and prosecute the offenders during 2012⁴⁶³. The government did not take proactive steps to

⁴⁶⁰ Ibid.

⁴⁶¹ Dr. Anwar Mohammad Gargash, (2008), Speech at United Nations General Assembly, New York, <http://www.un.org/ga/president/62/ThematicDebates/humantrafficking/uae.pdf> (accessed January 30, 2012).

⁴⁶² Human Trafficking from Bangladesh Drops Drastically.

⁴⁶³ Trafficking in Persons report 2013.

implement the prohibition of the widespread practice of withholding passports, which is a major contributor of forced labour. Although the government is still running the Wages Protection System to address the complaints of workers about unpaid wages, this system is largely limited to administrative remedies that include fines and mediation to recover the wages. There were hardly any cases in which the government had initiated criminal proceedings or punished the offenders for labour abuses. Some stringent measures would have acted as a serious deterrent against labour abuses in the UAE⁴⁶⁴.

Training programmes on human trafficking for judicial, law enforcement and labour officials were also continued in 2012. The Ministry of Interior conducted 31 such programmes involving the participation of more than 1000 police officers in 2012. 68 police officials also participated in international anti-trafficking training programmes during the same year. The focus of these programmes was on increasing the awareness about labour restrictions and UAE labour laws. The government now requires steps to be taken to investigate cases in which its own officers are found to be either complicit in trafficking related offences or are bribed whilst investigating such cases⁴⁶⁵. The Government's cooperation with other countries in anti-trafficking efforts has increased in recent years. At the beginning of 2013, a suspected trafficker was extradited by the UAE to his home country for prosecution.

5.2.2.3 Supporting Victims:

A comprehensive front against human trafficking would be meaningless without taking measures to support victims of such crimes. The UAE considers that legislation and enforcement are not enough and in order to have a united front against human trafficking, initiatives are required to determine how victims are treated by enforcement officers and what kind of support can be provided to them⁴⁶⁶. The government has taken steps to protect the victims of human trafficking from being exploited further and supports them through

⁴⁶⁴Ibid.

⁴⁶⁵ Ibid.

⁴⁶⁶Gargash (2008), Op cit.

counselling and rehabilitation programmes⁴⁶⁷. Police officers are sensitised through training on how they should treat such victims.

The government started the Crime Victim Assistance Programme to provide shelter and care to the victims for the interim period between their rescue and deportation to their home countries⁴⁶⁸. Under this programme special shelters called Ewa'a were established for women and children. Child camel jockeys were strictly banned. In collaboration with UNICEF, the UAE government, through the Camel Racing Child Rehabilitation Program, identified the children who were being exploited in camel racing and deported them to their homes in Asia and Africa⁴⁶⁹. At the International Labour Conference 2010 UNICEF reported that the children repatriated from the UAE to Mauritania were being provided with education in a special school for former jockeys⁴⁷⁰.

The government also supported the social organisations which were active in providing support and care to the victims of human trafficking. The UAE Red Crescent Authority, with support from the UAE government, established shelters for victims across the UAE which provide comprehensive social care like medical treatment, psychological care and counselling, legal help, temporary accommodation, training and safe repatriation to home country⁴⁷¹. The Social Support Centre in Abu Dhabi works under the supervision of Abu Dhabi police. It takes care of crime victims and coordinates the efforts of various other departments⁴⁷². The Dubai Foundation for Women and Children (DFWAC) and Human Rights Care Department operational in Dubai are also involved in the task of providing care to the victims of human trafficking⁴⁷³. The Dubai Foundation for Women and Children established in Dubai helped a total of 89 victims out of which 33 were victims of human trafficking in 2009⁴⁷⁴. During 2012, the foundation supported 44 victims of human trafficking referred to it by Dubai Police. The age of these victims ranged from 13 and 33

⁴⁶⁷ Ibid.

⁴⁶⁸ "UAE Efforts in Combating Human Trafficking", Op cit.

⁴⁶⁹ Ibid.

⁴⁷⁰ International Labour Conference, (2010), Report of the Committee of Experts on the Application of Conventions and Recommendations, Geneva.

⁴⁷¹ Gargash (2008), Op cit.

⁴⁷² "UAE Efforts in Combating Human Trafficking", Op cit.

⁴⁷³ Gargash (2008), Op cit.

⁴⁷⁴ "Combating Human Trafficking in the UAE: Annual Report 2009-10", Op cit.

years, four amongst them were girl children⁴⁷⁵. Analysis of these victims revealed that 37 of them entered the country in 2012 itself. 71% of them were from Asia while 17% belonged to European countries. The majority of them (54%) were single and nearly 20% were completely illiterate while 34% had received only primary education. 80% of these victims were lured into trafficking by the promise of jobs such as housemaid (54%), seller (11%), tourist (8%), commercial sex (6%), and other similar jobs. Around 97% of victims faced verbal abuse, 94% were physically tortured, 89% went through sexual abuse while 83% were neglected or suffered deprivation⁴⁷⁶.

The government sustained its efforts of providing protection to sex trafficking victims in 2013⁴⁷⁷. However, there was little improvement in its efforts to provide additional care for victims of forced labour, other than providing avenues to report abuses and dispute resolution options. As a result, the government has so far failed in responding to the needs of the largest group of trafficking victims in the country. Shelters for female and child victims of sex trafficking are running with government funding in four emirates, namely, Abu Dhabi, Dubai, Ras al Khaimah, and Sharjah. These shelters provide facilities like medical, psychological, legal, educational, and vocation assistance to victims⁴⁷⁸.

5.2.2.4 International Cooperation and Bilateral Agreements:

Combating human trafficking involves the coordination of efforts between the countries from where the persons are trafficked and the countries to which they are sent. Apart from enacting strong legislation, taking steps to effectively enforce it and supporting victims of trafficking; coordination with labour exporting countries is considered as the fourth pillar of the UAE government's anti-trafficking initiatives. A greater level of bilateral coordination can go a long way in overcoming the challenge of human trafficking by making it easier for the UAE authorities to uncover such crimes with the help of those countries in which they originate⁴⁷⁹.

⁴⁷⁵“Combating Human Trafficking in the UAE: Annual Report 2012-13”, Op cit.

⁴⁷⁶ Ibid.

⁴⁷⁷ Trafficking in Persons Report, 2013, Op cit.

⁴⁷⁸ Ibid.

⁴⁷⁹“Combating Human Trafficking in the UAE: Annual Report 2009-10”, Op cit.

To streamline the flow of workforce and to prevent trafficking of persons from the source nations, the UAE entered into agreements with labour exporting countries including India, Pakistan, Nepal, Sri Lanka, Bangladesh, China, Thailand and the Philippines during 2007 and 2008⁴⁸⁰. The government also ratified the United Nations Conventions against Transnational Organized Crimes and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons⁴⁸¹.

The government of the UAE provided a grant to UNODC for the establishment of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in March 2007⁴⁸². UN.GIFT enhances the efforts of various international organisations by increasing cooperation among them. It is mainly funded by the Crown Prince of Abu Dhabi and includes representatives from six of its founding organisations: ILO, IOM, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF, the Organization for Security and Cooperation in Europe (OSCE), and UNODC⁴⁸³. UN.GIFT aims to increase awareness about human trafficking; widen the scope of existing knowledge and statistics related to global human trafficking; and to provide technical assistance⁴⁸⁴.

5.2.2.5 Why has the Number of Cases Increased over the Last Five Years?

The passage of strong anti-trafficking law in the UAE in 2006 increased the awareness about human trafficking in the entire country. Earlier, most of the cases of human trafficking were reported from the Emirate of Dubai, but the dissemination of information among police and the general public has resulted in such reporting from almost all the Emirates⁴⁸⁵. It is notable that not only the number of cases has increased but convictions in such cases have also increased considerably. Out of 43 cases reported in 2009, there were convictions in 35 cases⁴⁸⁶. In short, the rise in the number of cases can be attributed to the strict vigil being kept by enforcement agencies, the collaborative measures being taken by

⁴⁸⁰Gargash (2008), Op cit.

⁴⁸¹ Ibid.

⁴⁸² Human Trafficking: A Brief Overview (2009), Social Development Notes - Conflict, Crime and Violence, http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1239390842422/6012763-1239905793229/Human_Trafficking.pdf, (accessed January 30, 2012).

⁴⁸³ Ibid.

⁴⁸⁴ Ibid.

⁴⁸⁵“Combating Human Trafficking in the UAE: Annual Report 2009-10”, Op cit.

⁴⁸⁶ Ibid.

the government of the UAE and the increased awareness regarding the effects of human trafficking. The government is working harder to deploy the necessary manpower for an effective and efficient crackdown against human trafficking activities⁴⁸⁷.

The number of cases declined for the first time in 2011 when only 37 new cases were reported. Again in 2012 the number increased to 47 reported cases highlighting the need for enhanced measures to be taken by the government of the UAE. The country is strengthening its bilateral relationships with the labour exporting countries of Asia and Africa. The Ministry of Interior has signed at least cooperation agreements with 26 countries. On similar grounds the Ministry of Labour has also entered into agreements with 18 countries and into protocols with three countries. For countering human trafficking, the National Committee to Combat Human Trafficking signed a memorandum of understanding with Armenia in 2009 and Azerbaijan in 2011. Similar MoUs are under serious consideration with Australia and Indonesia⁴⁸⁸.

Table 5.2: Human Trafficking Cases in the UAE (2009)⁴⁸⁹

Human Trafficking Cases – 2009				
	Number of			
Emirate	Cases	Victims	Accused	Convictions
Abu Dhabi	7	22	35	4
Dubai	21	36	63	16
Sharjah, Ajman, Umm Al Quwain, Fujairah	13	19	23	13
Ras Al Khaimah	2	9	4	2
Total	43	86	125	35

Most of the cases of human trafficking reported in the UAE in 2009 were from Dubai (21) amounting to nearly 50% of the total cases. Dubai figured as the number one emirate in the number of victims identified and the accused apprehended for human trafficking in the same year. The record of Abu Dhabi in the identification of victims (22) and the number of persons accused (35) was considerably higher in comparison to the number of cases reported (7) in 2009. However, the conviction rate was low, as only 4 people were

⁴⁸⁷ Ibid.

⁴⁸⁸“Combating Human Trafficking in the UAE: Annual Report 2012-13”, Op cit.

⁴⁸⁹“Combating Human Trafficking in the UAE: Annual Report 2009-10”, Op cit.

convicted in that year in Abu Dhabi. This might be because of a fewer number of pending cases in the previous years.

5.3 Combating Human Trafficking in Islam

Human trafficking has grown to such proportions now that it has no boundaries; it is spread over geographical, cultural, political or religious spheres⁴⁹⁰. It is an act of human rights violation against an individual and state and can be described as the modern form of slavery⁴⁹¹. Gender inequality, socio-economic disparities, corruption, fragile enforcement systems, and the failure of the state to protect the rights of its citizens are a few reasons responsible for human trafficking internationally⁴⁹². Most of the Muslim countries of the Middle East and North Africa are not immune to this crime⁴⁹³. Usually, poorer Muslim countries act as the source nations for this illegal trade while oil rich countries are the destinations.

At the onset of Islam in seventh century, slavery was accepted as legal in all parts of the world. Most of the slaves were acquired from outside the country or tribe, usually through war or territorial conquests⁴⁹⁴. Although Islam upholds the rights to justice, equality, safety, security and human dignity,⁴⁹⁵ in its initial years, to avoid serious social and economic disturbances in society, slavery was not abolished⁴⁹⁶. Islam calls its followers to look after people who are in a vulnerable state in society and also to protect them and take care of them⁴⁹⁷. For the first time in human history, Islam defined the rights of slaves and considered that every human being should be treated in a proper and just manner. Islam emerged not only as a religious, but also a social force against tribal wars and slavery, spreading the message of peace in the world.

⁴⁹⁰ “Combating Trafficking in Persons in Accordance with the Principles of Islamic Law”, (2010) UNODC, United Nations, New York, http://www.unodc.org/documents/human-trafficking/Islamic_Law_TIP_E_ebook_18_March_2010_V0985841.pdf (accessed February 5, 2012).

⁴⁹¹Combating Trafficking in Persons: Handbook for Parliamentarians, (2009), UNODC, http://www.unodc.org/documents/human-trafficking/UN_Handbook_engl_core_low.pdf (accessed January 30, 2012).

⁴⁹² Ibid.

⁴⁹³ “Combating Trafficking in Persons in Accordance with the Principles of Islamic Law”, (2010), Op cit.

⁴⁹⁴Mary et al. (2004), Op cit.

⁴⁹⁵“Islam, Human Rights and Displacement” (2009), Refugee Studies Centre, University of Oxford, <http://www.fmreview.org/FMRpdfs/Human-Rights/islam-human-rights.pdf> (accessed February 15, 2012).

⁴⁹⁶ “Combating Trafficking in Persons in Accordance with the Principles of Islamic Law”, (2010), Op cit.

⁴⁹⁷“Islam, Human Rights and Displacement” (2009), Op cit.

All the laws in Islam are derived from two primary sources Quran and Sunnah. The Quran is the book, revealed to the Prophet Mohammad (pbuh), in which God Himself is addressing His subjects and asking them to come to the right path⁴⁹⁸. The Sunnah refers to all the acts, saying and approvals of Prophet Mohammad (pbuh)⁴⁹⁹. There are a number of rights provided by Islam to humans, by virtue of being human, like the right to life and the right to be protected from physical harm⁵⁰⁰. Such rights are similar to those provided by the modern day laws. There are other rights such as social solidarity, the right to education and to own property, and freedom from slavery, which are now actively pursued by human rights groups, but were granted by Islam some fourteen hundred years ago⁵⁰¹. The Islamic principles tried to moderate slavery by improving the conditions of women and children but did not abolish the institution of slavery⁵⁰².

Islam is often criticised for being supportive of slavery, especially sex slaves. The injunctions which are cited for this were basically revealed in earlier periods of Islam. In reality, Islam permits sex only under the institution of marriage and calls for its followers to free sex slaves⁵⁰³. Islamic laws condemn human trafficking including trafficking of human organs and abolish the exploitation of the downtrodden in any form. Islam requires its believers to prevent crimes against women, children, orphans, refugees and also non-Muslims living in Muslim countries.

The Islamic society has always admonished the reprisal of human beings in any form. Islam calls for its followers to be compassionate towards fellow human beings and be humane in their approach while dealing with others. It advises its followers to be kind to others as Allah (SWT) will be kind to them in the world hereafter. The anti-trafficking law in the UAE also derives its basic premise from the Islamic traditions. The punishments for human trafficking are also severe, in line with the strict norms followed in Islamic laws to deter others from committing the same offence.

⁴⁹⁸Kamali, M.H., Principles of Islamic Jurisprudence, The Islamic Texts Society.

⁴⁹⁹Ibid.

⁵⁰⁰“Islam, Human Rights and Displacement” (2009), Op cit.

⁵⁰¹ Ibid.

⁵⁰² Slavery in Islam, http://www.bbc.co.uk/religion/religions/islam/history/slavery_1.shtml, (accessed February 19, 2012).

⁵⁰³ “Combating Trafficking in Persons in Accordance with the Principles of Islamic Law”, (2010), Op cit.

5.3.1 Is the United Arab Emirates Applying the Islamic Law (Shariah) Punishment to Combat Trafficking?

The Federal Law 51 adopted by the government of the UAE is in full consonance with both the Islamic law and the international laws which are in practice in different countries to prevent human trafficking. Under article 34 of the constitution of the UAE it is stated that “no person may be slaved”⁵⁰⁴. Since slavery, as such, is not an offence in Islam hence we do not find any kind of punishment for this in Quran and Sunnah. However, cruelty towards one’s slave is considered to be a crime in the eyes of Islam.

Offences like human trafficking fall under the category of *Ta’zir* – offences for which punishments are not fixed by Quran and Sunnah⁵⁰⁵. In such crimes, it is left to the discretion of the Muslim government of the country to decide on the quantum of punishment to be given. Hence, we do not find any specific punishment for the perpetrators of human trafficking in Islamic law. The government of the UAE has fixed a punishment of life in prison for human trafficking if the person involved is a public officer or a person assigned to carry out public work⁵⁰⁶.

5.4 Conclusion

The rapid growth of the UAE has attracted a large workforce to the country and according to some reports, the expatriates constitute somewhere between 85% and 90% of the total population. The surging demand for workforce in the construction industry, as domestic labour and in the tourism industry converted the UAE into an attractive destination for persons trafficked globally. Trafficked children were increasingly used in traditional camel races. Instances of women, brought as domestic workers, being exploited sexually and physical were reported. Under payment of wages and withholding of travel documents of unskilled labourers were also reported.

The government of the UAE began its anti-trafficking drive in 2005 by repatriating more than 1000 children to their native countries who were used as camel jockeys. Next in line was the enactment of a strong anti-trafficking law in 2006, which provided necessary

⁵⁰⁴ Ibid.

⁵⁰⁵ Ibid.

⁵⁰⁶ Ibid.

impetus to law enforcement agencies to efficiently curb this menace. The government ratified UN protocols calling for the elimination of trafficking on its soil. It also entered into bilateral agreements with other countries to prevent trafficking of persons from their home country. The UAE's present anti-trafficking laws are in consonance with international laws and also with the Islamic doctrines. Over the last five years the UAE has achieved a lot in terms of curbing trafficking in persons. The number of cases being reported and successful convictions have increased during this period. The government is actively providing help to victims by establishing special support centres for them.

Much still needs to be done in terms of the identification of cases, providing support to the victims in their rehabilitation and increasing vigilance over industries and organisations suspected to be involved in such practices. Primarily, concrete efforts must be undertaken in spreading awareness about trafficking and educating people, especially the most vulnerable ones, about the supportive measures taken by the government in providing help to victims of trafficking. This chapter highlights the lacunae that exist in the enforcement of anti-trafficking laws in the UAE. It is stated in the chapter that the reported cases are just the tip of the iceberg. The actual numbers of cases are expected to be many times more than those reported and addressed. Hence, it is prudent to analyse the problem more deeply as merely enacting a law has not served the purpose.

Chapter Six: Combating Human Trafficking in the United Kingdom

6.1 Introduction

Chapters four and five provided an introduction of the background of the UAE as a country and the current situation of human trafficking in the country, respectively. This chapter on combating human trafficking in the United Kingdom (chapter 6) contains an analysis of the trafficking situation in the UK. This is to compare the situation of human trafficking in the UAE with that in the UK. There were primarily two reasons for choosing the UK for comparison. Firstly, the UK has consistently being ranked as a tier 1 country in its anti-trafficking efforts by the Department of State, United States. While the rank of the UAE has fluctuated from tier 3 to tier 1 in the last decade. Secondly, the UAE was governed by the UK for a considerable time span and shares many similarities in administration.

Efforts to curb human trafficking began early in the UK. On 25th March 1807, when the United Kingdom adopted the Abolition of Slavery Act 1807, it became unlawful for any British subject to capture and transport slaves⁵⁰⁷. However, the British slave trade continued as slavery itself was allowed legally. The British Parliament passed the Slavery Abolition Act in 1833, leading to the freedom of all the slaves in the entire British Empire⁵⁰⁸. The British government compensated the slave owners for the number of slaves that they had⁵⁰⁹. Now, more than two centuries have passed since the abolition of slavery but still slavery is prevalent although in a different format. This new form of modern slavery - trafficking in human beings - is posing a serious challenge for the authorities⁵¹⁰.

The United Kingdom has focused its policy on matters regarding human trafficking on the basis of two approaches. The first one is to consider human trafficking as a violation of human rights, and the second is to categorise it as a criminal activity⁵¹¹. During the

⁵⁰⁷ Abolition of Slavery Act, Spartacus Educational, <http://www.spartacus.schoolnet.co.uk/Lslavery07.htm>, (accessed August 12, 2012)

⁵⁰⁸ 1807 Abolition of Slavery Act, Spartacus Educational, <http://www.spartacus.schoolnet.co.uk/Lslavery33.htm>, (accessed August 12, 2012)

⁵⁰⁹ Ibid.

⁵¹⁰ UK Action Plan on Tackling Human Trafficking (2007), Op cit.

⁵¹¹ Daffron, J. W. (2011), "Combating Human Trafficking: Evolution of State Legislation and the Policies of the United Kingdom and France", Masters Dissertation, Naval Postgraduate School, Texas A&M University.

twentieth century the UK participated increasingly in international level conferences and conventions to ensure the protection of human rights and to frame regulations for doing so. The 2009 Trafficking in Persons Report of the Department of State, USA, places the United Kingdom in the category of tier 1 countries, which implies that the UK government is fully complying with the minimum standards of the Trafficking Victims Protection Act⁵¹².

This report describes the United Kingdom to be a significant destination and to a lesser extent a transit country, for the trafficking of women, children and men for the purpose of commercial sexual exploitation and forced labour. These trafficked people primarily belong to Eastern Europe, Africa, the Balkans, and Asia (mainly from China, Vietnam, and Malaysia). These people are forced to work in agriculture, construction, food processing, domestic servitude, and food services. Most of the women surveyed in 2008 revealed that they were trafficked for sexual exploitation from Lithuania, Nigeria, and Moldova⁵¹³. The United Kingdom monitors the influx of children into the country from abroad and this helps to provide them with better protection against exploitation⁵¹⁴.

The Home Office of the government of UK and the Scottish Executive came up with an action plan in 2007⁵¹⁵. This action plan defined trafficking as the movement of a person by coercion or deception into the situation of exploitation. The action plan was formulated to deal with all forms of trafficking, in and around the UK and had the following objectives⁵¹⁶:

- i. To draw together all the current work undertaken by government and various agencies.
- ii. To identify gaps in the existing work and take them up for further consideration.
- iii. To increase transparency and accountability of officials towards their objectives.
- iv. To provide a platform for the launch of a holistic approach to tackle human trafficking.

⁵¹²“Trafficking in Persons Report 2009”, U.S. Department of State, <http://www.state.gov/documents/organization/123357.pdf>, (accessed March 01, 2012)

⁵¹³ Ibid.

⁵¹⁴ “Human Trafficking and Slavery”, (2004), *The CQ Researcher*, Vol. 14, No. 12, pp. 273-296.

⁵¹⁵ UK Action Plan on Tackling Human Trafficking (2007), Op cit.

⁵¹⁶ Ibid.

The key areas for action to be taken by authorities in the UK for combating human trafficking are⁵¹⁷:

- a. Prevention: In the first place the efforts would be directed towards preventing human trafficking. Prevention can become a reality if the authorities increase the understanding of the problem and issues that are on the supply side of human trafficking are addressed properly. There is a need to reduce the demand for human trafficking to prevent its occurrence.
- b. Investigation, Law Enforcement and Prosecution: A strong enforcement response against the perpetrators of trafficking will send a strong signal to all those who are implicitly or explicitly involved in this criminal activity. The introduction of the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 along with the equivalent Scottish provisions of the Criminal Justice (Scotland) Act 2003 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 are legislative initiatives of the government. This legislation is aimed at creating a hostile legal environment for traffickers in the United Kingdom.
- c. Providing Protection and Assistance to Adult Victims: Providing assistance and protection to victims of human trafficking is central to all anti-trafficking efforts. The government of the UK has funded the Poppy Project since 2003 to provide safe accommodation and a range of services to adult women trafficked into the UK for prostitution. In Scotland, a similar project named the TARA Project is providing advice and support to women who are trafficked into Scotland for the purpose of sexual exploitation. This Project is also helping vulnerable women to overcome their financial misery. Protection and assistance to victims addresses three prime areas: improving the identification and referral procedure, enhancing available support, and assisting in the reintegration and resettlement of victims.
- d. Child Trafficking Specific Measures: The government of the UK is aware of the fact that the care of child victims should be attuned to the very different vulnerabilities of children as opposed to adult victims. The government-led measures for child victims of human trafficking include working in source countries to raise awareness of the problem,

⁵¹⁷ Ibid.

working with carriers abroad in over 30 countries, and the introduction of new Global Visa Regulations on 12th February 2006.

e. Working with International Partners: Acknowledging the trans-border nature of human trafficking, the government's Action Plan talks about international collaborations to reap real benefits in all areas of trafficking. International collaborative measures include joint awareness raising campaigns, sharing intelligence and law enforcement expertise, collaborating on the prosecution of traffickers, or the exchange of best practice on the protection and assistance of victims of trafficking.

f. Monitoring: Increased transparency in measures adopted for combating human trafficking in the UK will lead to accountability of anti-trafficking officers and subsequently will improve the implementation of laws and regulations. The Action Plan suggests the creation of a monitoring mechanism under the Inter-Departmental Ministerial Group (IDMG) on human trafficking⁵¹⁸.

In response to the Council of Europe Convention on Action against Trafficking in Human Beings (adopted by the government in December 2008), the UK government established an identification system for the identification of potential victims of human trafficking called the National Referral Mechanism (NRM)⁵¹⁹. The NRM undertakes two kinds of findings to determine the status of victims: first is a preliminary finding of 'reasonable ground' that an individual is a trafficking victim. The final enquiry is aimed at determining 'positive grounds' for verifying that the individual is a victim of trafficking and is eligible for long-term victim protection measures⁵²⁰. Between July and December 2012, the government agencies identified 1,186 cases of potential trafficking victims. 224 of these referrals were cases of labour trafficking or domestic servitude. 415 victims, consisting of a significant number of non-EU victims, received a 'positive grounds' decision in 2012⁵²¹.

⁵¹⁸ Ibid.

⁵¹⁹Wrong Kind of Victim? One Year On: An Analysis of UK Measures to Protect Trafficked Persons (2010), The Anti-Trafficking Monitoring Group, http://www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf, (accessed October 02, 2012).

⁵²⁰Trafficking in Persons Report, 2013, Op cit.

⁵²¹ Ibid.

The Anti-trafficking Monitoring Group, consisting of nine organisations, was formed in 2009 to monitor the implementation of the Council of Europe's Convention, which came into effect in the UK from April 1, 2009. The Monitoring Group found that the implementation of the Convention has increased awareness about human trafficking in the UK, especially in the developing areas like Bristol and Wales⁵²². However, there were other reasons for which the Monitoring Group believed that the UK has not completely met its obligations under the Convention, as the government has:

- misunderstood key provisions of the Convention;
- failed to understand the Convention entirely;
- given too much authority to a flawed mechanism of NRM staffed by substantially unaccountable officials; and
- Not completely given due consideration to the necessary safeguards for child victims as provided in the Convention⁵²³.

Addressing these concerns, the Scottish police announced in March 2013 that future sex or labour trafficking victims would be first considered as victims and would not be penalised for crimes committed under coercion. This was a significant decision in anti-trafficking measures as it will help victims report their exploitation without the fear of being prosecuted by the authorities due to their immigration status. However, some NGOs have reported that the trafficking victims were interviewed by immigration officers in detention facilities and they may even have to serve their recovery and reflection period in detention⁵²⁴.

The US State Department considered the UK to be a source, transit and destination country in its Trafficking in Persons report of 2013. During 2012, the top five countries of origin for trafficking victims were Nigeria, Vietnam, Albania, Romania and China. There were increased cases of forced labour in 2012, as well as an increase in sex trafficking victims from Latvia. UK men faced forced labour within the UK and in other European countries. An alarming disclosure of this report was that there was an increase in cases of internal sex

⁵²²Wrong Kind of Victim? One Year On: An Analysis of UK Measures to Protect Trafficked Persons (2010), Op cit.

⁵²³ Ibid

⁵²⁴Trafficking in Persons Report, 2013, Op cit.

trafficking of children in 2012. Unaccompanied migrant children and girls from within the UK were highly vulnerable to sexual exploitation. Cases of forced labour were reported from agriculture, construction, food processing, domestic service, nail salons, and food services industries in the countries. Cannabis farms were forcefully employing children and men mostly from Vietnam and China⁵²⁵.

The United Kingdom government last year introduced the Modern Slavery Bill 2014-15 to combat human trafficking activities. The bill seeks to consolidate the offences related to trafficking and slavery together. It proposes to establish an independent Anti-Slavery Commissioner. It calls for provisionsto be made for the protection of victims of modern slavery crimes⁵²⁶. Despite some new features proposed in the Bill, human trafficking advisers have termed it as a lost opportunity. The chairman of the Human Trafficking Foundation, Anthony Steen considers that the Bill has “yawning gaps” and has failed to focus on the needs of victims of trafficking⁵²⁷.

6.2 Factors Responsible for Human Trafficking in the UK

The problem of trafficking is compounded due to the difficulty in assessing the definite nature and scope of human trafficking in the UK owing to its hidden nature⁵²⁸. To overcome this, the government of United Kingdom established the UK Human Trafficking Centre (UKHTC) within the Serious Organised Crimes Agency (SOCA). UKTHC is acting as an important source of developing an understanding of trafficking in the UK and is a central repository of information and intelligence on human trafficking⁵²⁹.

⁵²⁵ Trafficking in Persons Report, 2013, Op cit.

⁵²⁶ Modern Slavery Bill 2014-15, the UK Parliament, <http://services.parliament.uk/bills/2014-15/modernslavery.html>, (accessed January 15, 2015).

⁵²⁷ Gentlemen, A., Modern Slavery Bill is a Lost Opportunity says Human Trafficking Adviser, The Guardian, 3rd November, 2014, <http://www.theguardian.com/law/2014/nov/03/modern-slavery-bill-lost-opportunity-human-trafficking-adviser>, (accessed January 12, 2015).

⁵²⁸ An Evidence Assessment of the Routes of Human Trafficking into the UK (2012), Occasional Paper 103, Home Office, <http://www.statewatch.org/news/2012/mar/uk-ho-traff-rep.pdf>, (accessed October 05, 2012).

⁵²⁹ Ibid.

The root causes of human trafficking are related to the socio-economic conditions of the people being trafficked⁵³⁰. Human trafficking in the UK is driven by both supply factors and demand factors. The supply factors include poverty, limited opportunities at home, lack of education, unstable social and political conditions, economic imbalances and war while the demand factor is the demand for cheap labour⁵³¹. Any combination of these factors may force an individual to seek better employment through migration. This migration renders him/her vulnerable to trafficking and exploitation⁵³².

Gender discrimination, which is entrenched in many societies of the world, is also a major reason for the rise of human trafficking. This discrimination makes women and girls more vulnerable to trafficking. There are a high proportion of women involved in informal and unprotected labour markets. They also have to shoulder the disproportionate burden of caring for children and ageing family members while at the same time bearing gender-based domestic violence⁵³³. Although such discrimination within British female society is uncommon many female victims of human trafficking have faced this in their home countries. The changing population demographics of developing countries like the UK requires migrants to fill the gaps associated with an ageing population. There are always financial benefits for employers in hiring undocumented or trafficked workers. Another major reason is the desire for foreign women in the commercial sex industry⁵³⁴.

Human trafficking is also aided by factors such as cheap and easier travel, proliferation of unregulated recruitment agencies, and the existence of large Diaspora communities in the UK. Moreover, the expansion of social media and the internet in remote places of the world has also spread the perception that better living conditions can be availed in certain parts of the world, thereby, helping traffickers to attract vulnerable people to migrate to such developed countries and become exploited⁵³⁵.

⁵³⁰ All Change: Preventing Trafficking in the UK (2012), The Anti-Trafficking Monitoring Group, http://www.amnesty.org.uk/uploads/documents/doc_22598.pdf, (accessed October 02, 2012).

⁵³¹ An Evidence Assessment of the Routes of Human Trafficking into the UK (2012), Op cit.

⁵³² All Change: Preventing Trafficking in the UK (2012), Op cit.

⁵³³ Ibid.

⁵³⁴ Ibid.

⁵³⁵ Ibid.

The UK Human Trafficking Centre (UKHTC) reported that between April and December 2009 there were 527 cases of potential victims of trafficking which were referred to the NRM⁵³⁶. These 527 individuals belonged to 61 countries with Nigeria (89 people) and China (70 people) leading the pack. The Anti-trafficking Monitoring Group (ATMG) observed that these official figures do not reflect the true extent of trafficking in the UK. There were other potential victims whose cases were not referred to as they were fearful of the consequences of being brought to the attention of the authorities because of their immigration status, leading to a paradoxical situation which is often exploited by the traffickers in controlling their victims⁵³⁷.

ATMG collected information about more than 130 cases between 1 April 2009 and 1 April 2010 whose cases were not referred to NRM. There were various reasons cited for this, but primarily victims were not confident about reporting cases to the authorities because either they did not see any benefit from reporting or they were fearful of the consequences of getting the attention of the authorities. ATMG found flaws in the identification process of victims. The identification of victims is left at the sole discretion of officials who receive minimum training in handling such victims. The following are the excerpts of Competent Authority decisions depicting flaws in NRM practices⁵³⁸:

"Your claim to have been forced to sleep with men against your will, that you were 'extremely unhappy' and 'always crying' is considered to be inconsistent with your claim not to have taken advantage of the ample opportunity you had to seek help from the police on the numerous occasions you left the house and the occasion when you took the time to visit the police station. Your credibility has been damaged as a result and it is not accepted that you were trafficked to the UK or forced to work as a prostitute by traffickers as you claim".

Even the authorities were not well-versed with the understanding of trafficking. The following quote shows flawed understanding about trafficking:

"Sometimes domestic workers are brought here on false pretences, but they are not illegal. No domestic worker is a trafficked victim, because they are legal. They may be victims of many crimes, abuse, locked in, exploitation, but none had been forced, not

⁵³⁶Wrong Kind of Victim? One Year On: An Analysis of UK Measures to Protect Trafficked Persons (2010), Op cit.

⁵³⁷ Ibid.

⁵³⁸ Ibid.

were brought over under force. Until they come here they don't run away. They run away here because they want to live a Western life, it is more attractive, more freedom"⁵³⁹.

"You have stated that [...] your boyfriend 'forced' you to have sexual intercourse with other men. You have stated that during this time you were allowed to leave the house to go to the shops. However you made no effort to escape or approach the authorities in the United Kingdom during this time. It is considered that had you been exploited as your claim you would have seized the first opportunity to escape your boyfriend"⁵⁴⁰.

"It is noted that you have highlighted numerous incidents of non-consensual sex [...] and some instants of violence. [...] Although this experiences[sic] are extremely unpleasant it is considered that this treatment [...] does not amount to trafficking in your case"⁵⁴¹.

"It is acknowledged that you may suffer some longer-term effects as a consequence of the experience you may have had. Ultimately, however, you have been alive for almost [...] years, of which [...] months you have spent with the previous employer. You have also spent nearly [...] months, more than twice the length of your claimed exploitation, free of any restriction on your freedom, in which time you have made friends and had access to the support and assistance provided by" [...] "⁵⁴².

"Your account is consistent with that of a person who has been trafficked....but you have not reached the threshold of reasonable grounds to believe that you are a victim of trafficking for the purposes of the convention"⁵⁴³.

"Even if it was accepted that you had been trafficked from To the UK, and held against your will and forced to....it is not accepted that you currently qualify as a 'victim' of trafficking for the purposes of the Convention"⁵⁴⁴.

These decisions of Competent Authorities clearly show that the purpose of the Convention has failed in the case of applicability. The authorities were incompetent to identify the victims of trafficking. The purpose of the Convention is to prevent and combat trafficking, to protect the human rights of victims, and to promote international cooperation against trafficking. The Convention is indifferent as to who gets what sort of assistance, in identifying a victim of trafficking. The Convention is governed by a strict principle of non-discrimination between the victims, but these principles and provisions of the Convention were not applied in a true sense in the cases referred to NRM.

⁵³⁹ Ibid.

⁵⁴⁰ Ibid.

⁵⁴¹ Ibid.

⁵⁴² Ibid.

⁵⁴³ Ibid.

⁵⁴⁴ Ibid.

In the years of the 1990s, claims made by the United Kingdom in combating trafficking came under fire from human rights activists for its failure in the Balkan region in preventing increasing numbers of cases of prostitution and sexual exploitation⁵⁴⁵. The foreign officials who went to the Balkans to assist the efforts at stability and reconstruction were blamed for having sex with prostitutes, thereby, encouraging human traffickers to supply prostitutes to them through trafficking⁵⁴⁶. Daffron has reported that there is a large population of Kosovan people in London who control the majority of massage parlours. These people are highly involved in trafficking women from the Balkans into the UK for the purpose of prostitution⁵⁴⁷. The efforts of government officials in preventing trafficking seemed to be a futile exercise as the number of massage parlours increased and sex commerce became widespread. Police officers outside London were found to be untrained in efficiently tackling issues of human trafficking. Moreover, the extent of the problem was unknown. The government was confused by the illegal nexus between smuggling, illegal immigration and human trafficking⁵⁴⁸. Anti-trafficking efforts in the UK can become more effective if a victim-focused approach is followed in all areas of human trafficking.

Internal trafficking in the UK has caught the attention of policy makers in the UK. As per the Action Plan submitted in 2007 many respondents were of the opinion that domestic or internal trafficking should be included as a part of anti-trafficking efforts. There are young British girls who are lured with false promises of love and marriage and are later exploited for sexual pleasures. Some of them are even lured into prostitution on the pretext of extra money, but they cannot escape due to the use of violence or coercion⁵⁴⁹. In January 2006 the UK initiated a coordinated prostitution strategy which required all agencies to work proactively for the reduction of all forms of commercial sexual exploitation. The strategy included both on and off street prostitution. It called for understanding of the link between prostitution in the UK and various other organised crimes⁵⁵⁰.

⁵⁴⁵Daffron (2011), Op cit.

⁵⁴⁶ Ibid.

⁵⁴⁷ Ibid.

⁵⁴⁸ Ibid.

⁵⁴⁹ UK Action Plan on Tackling Human Trafficking (2007), Op cit.

⁵⁵⁰ Ibid.

6.3 Legal Considerations of Trafficking and Smuggling in the UK

The lacunae in the anti-trafficking efforts of the UK became evident by the turn of the century. The need for a proactive approach to human trafficking was felt, instead of the usual reactive approach adopted by police officers in London. Trafficking in human beings should not be confused with human smuggling as human smuggling involves illegal facilitation of movement across borders, whereas trafficking is concerned with exploitation with threat or force⁵⁵¹, and may occur outside or within the boundaries of a nation. The Home Office and the Scottish Executive have identified the distinctions between human trafficking and smuggling as:

- Trafficking may involve legal or illegal entry, whereas smuggling is characterised by illegal entry.
- Trafficking may take place within or outside the national boundaries whereas in smuggling international movement is must.
- Smuggling is a voluntary act on part of those smuggled whereas trafficking is marked by the use of force, coercion, and/or deception.
- Trafficking involves continuous exploitation of victims after reaching the destination whereas, the services of smugglers ends when people reach their destination⁵⁵².

The most serious obstacle in the path of anti-trafficking measures is the lack of specific legislation against trafficking⁵⁵³. In the case of *A v. United Kingdom*⁵⁵⁴ - related to child abuse in the United Kingdom in 1993, the European Court of Human Rights ruled that it is the duty of the State to take measures designed to ensure that individuals within their jurisdiction are not subjected to torture or inhuman or degrading treatment or punishment and this will also include any such treatment administered by private individuals⁵⁵⁵.

⁵⁵¹An Evidence Assessment of the Routes of Human Trafficking into the UK (2012), Op cit.

⁵⁵² Ibid.

⁵⁵³Touzenis, K. (2010), "Trafficking in Human Beings: Human Rights and Trans-National Criminal Law, Developments in Law and Practices", UNESCO Migration Studies 3, France, United Nations Educational, Scientific and Cultural Organization: 173.

⁵⁵⁴ Ibid.

⁵⁵⁵ Ibid.

Convictions of traffickers increased in 2012 in the UK under three prominent anti-trafficking regulations: Coroners and Justice Act (slavery, servitude, and forced or compulsory labour) 2009; Sexual Offences Act 2003; and Asylum and Immigration Act 2004. These Acts have provisions for the imprisonment of offenders for a maximum period of 10, 14 and 14 years, respectively. The penalties for sex trafficking are commensurate with those of other serious crimes in the UK such as rape. The UK is divided into four distinct administrative units – England, Wales, Northern Ireland and Scotland and legislation varies with the regions. In England, Wales and Northern Ireland, trafficking related offences are governed by the Coroners and Justice Act 2009; Sexual Offences Act 2003; and Asylum and Immigration Act 2004. In Scotland, the Criminal Justice (Scotland) Act 2003, which is equivalent to the UK's Sexual Offences Act, is in force⁵⁵⁶.

Sustained anti-trafficking efforts in the UK are a result of various dedicated government departments in different regions of the Kingdom. The UK Home Office is responsible for anti-trafficking measures in England and Wales. The Northern Ireland Department of Justice takes care of anti-trafficking efforts in Northern Ireland while the Scottish police force has a special dedicated anti-trafficking team that is leading trafficking combat activities in Scotland. To further strengthen the anti-trafficking regulations the UK government passed the Protection of Freedoms Act 2012, which broadened the definition of labour trafficking to extend the jurisdiction over UK nationals who indulge in such crimes abroad⁵⁵⁷.

6.4 Current Situation of Human Trafficking and Cases from the UK

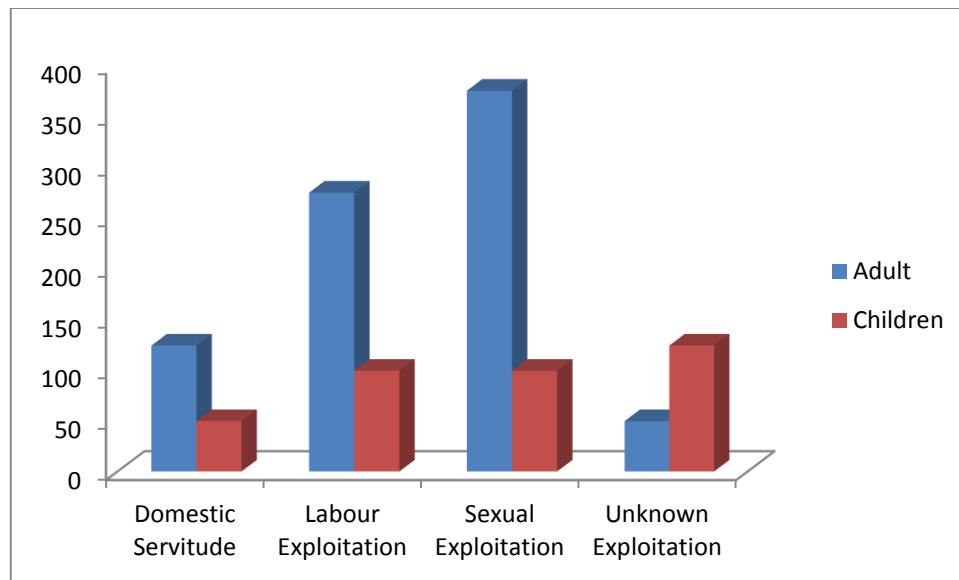
Human trafficking has become a big concern in the UK. The cases of human trafficking reported in the UK mostly involve victims brought from other countries, but recently some cases of exploitation and trafficking have also been reported from within the UK. The scenario of human trafficking was described to be serious as the officers and ministers were termed as 'clueless' in their response to tackling human trafficking, both into and

⁵⁵⁶ Trafficking in Persons Report, 2013, Op cit.

⁵⁵⁷ Ibid.

within the UK⁵⁵⁸. The Centre for Justice (CSJ), in its latest report published in 2013, has criticised government efforts in tackling human trafficking. The report says that more than 1000 victims of human trafficking were found in 2012, which included a significant number of British children⁵⁵⁹. The statistics provided in the report are given below:

Figure 6.1: Adults and Children in Modern Slavery in the UK - 2012⁵⁶⁰



The above graph paints a very grim picture of the state of human trafficking in the UK. Nearly 375 cases of trafficking and exploitation of adults were detected for sexual reasons. There were even around 100 such cases which were committed against children. Unknown reasons for the exploitation of children is the highest amongst all the forms of exploitation studied. There were 125 known cases of exploitation of children for known reasons.

The UK Human Trafficking Centre's figure of 1200 cases of human trafficking in the UK was described by CSJ as 'meaningless'⁵⁶¹. The head of the CSJ, Christian Guy,

⁵⁵⁸Helm, T. and Townsend, M. (2013), "‘Shameful’ failure to tackle slavery and human trafficking in the UK", The Guardian, <http://www.theguardian.com/law/2013/mar/09/shameful-failure-slavery-trafficking-uk>, accessed November 22, 2013.

⁵⁵⁹ "It Happens Here: Equipping the United Kingdom to fight modern slavery", (2013), The Centre for Social Justice, Belgrave Road, SW1V 1RB.

⁵⁶⁰ Ibid.

⁵⁶¹Buchanan, M. (2013), "UK anti-trafficking efforts need overhaul, report says", The BBC News, <http://www.bbc.co.uk/news/uk-21719778>, (accessed November 25, 2013).

commented, 'From top to bottom, this thing is a catastrophic failure. Politically, I'm afraid ministers are clueless about the scale of British slavery'.

Lack of awareness about the measures taken by the government to prevent trafficking and protect victims was widespread amongst social workers as well as police officers. A Deputy Chief Constable recalled that once a girl managed to free herself from the clutches of traffickers and reached a nearby police station. As she did not have a passport and valid documents to stay in the UK, she was arrested for being an illegal migrant in the country. In yet another instance, in a gathering of social workers only a couple of them were aware of the national referral mechanism, the government's system of identifying and protecting victims of suspected human trafficking. The lack of political motivation to tackle human trafficking was considered to be a major obstacle in anti-trafficking efforts by a detective officer. The officer reported that at present human trafficking is not associated with the performance of police departments and as long as it is the case, there is no incentive for a police officer in investigating cases of human trafficking seriously⁵⁶². Some of the cases reported from the UK are listed below:

Danielle was only 15 years old when she decided to move to London from Albania to join a friend who was offered a job here. It was after her arrival in London that she was taken to Birmingham, where she was sold to an Albanian pimp for £3,500. She escaped from their captivity; however, her ordeal has changed her life forever⁵⁶³.

Sky News published an interview with a victim of human trafficking, Shopie (not her real name) in March 2013⁵⁶⁴. The interview revealed some shocking accounts of the treatment of victims of trafficking. Shopie told the reporter that she made a living in a high class society in the UK. She was trapped by a person from Italy who first became her boyfriend. Their relationship lasted five years during which she was groomed to become closer to her boyfriend. After their five year relationship, Shopie went on a holiday to Italy with her boyfriend, where he revealed his true intentions. He locked her up and forced her into prostitution. She recalled that at times she had to have sex with more than 35 different

⁵⁶²Helm, T. and Townsend, M. (2013), Op cit.

⁵⁶³Ibid.

⁵⁶⁴Suchet, R. (2013), "Sex Trafficking Victims 'Failed' By Authorities", Sky News, <http://news.sky.com/story/1062579/sex-trafficking-victims-failed-by-authorities>, (accessed November 24, 2013).

people in one night. Her exploitation was not limited to sexual things. She was required to do all household chores and was punished for minor mistakes she committed in doing so. She was threatened for her life, as well as for the life of her 13 year old brother in England. The most shocking thing about her ordeal was that when she managed to run away from there she was questioned by the authorities in the most insensitive manner. One officer even told her that in future she should not do that again. According to Shopie, it is wrong to perceive that traffickers target only poor and uneducated girls from third world countries. Instead, she considered them to be professional businessmen who have been in this business for a long time. They first groom a girl, isolate her from others and then they go for the kill. They invest their money and time on a girl to reap multiple benefits from her in future⁵⁶⁵.

A 26 year old man named Mark Ovenden spent nine months enslaved by his boss, who took him to different locations in Southern England and Sweden, from where he was eventually freed by the police. Mark was contacted by a person in a street and was offered a job that included a decent salary, lodging and food. However, he was forced to work 18 hours a day, six days a week, including heavy manual labour. He was not paid a penny. The daily food, lodging and isolation from others, diminished his desire to leave the work place⁵⁶⁶.

Jess and Hannah were two UK-born school girls who too became victims of human trafficking. A group of young men met both of them and started flattering them. In no time, both the girls were forced to provide sexual pleasures to these men and their older friends. On one weekend they were driven to a flat and were told to have sex with who so ever arrived there. Jess, who was menstruating, was allowed to sit outside, but Hannah had to have sex with nearly 90 people over the weekend⁵⁶⁷.

The illegal nature of human trafficking makes it difficult to discover some of its obvious and visible signs in many cases. The problem gets compounded in cases of children where social workers have to put in extra efforts to convince victims to divulge details about their

⁵⁶⁵ Ibid.

⁵⁶⁶ Buchanan, M. (2013), Op cit.

⁵⁶⁷ Ibid.

exploitation. Child trafficking is often seen as related to unaccompanied children as many such children are closely followed by their agents. As a child travelling alone does not raise many eyebrows traffickers assume it to be a safe bet to traffic children in this manner⁵⁶⁸.

A report by ECPAT UK states that six Angolan girls were accommodated and supported by a social services organisation. However, there were a number of older men who were often found to be hanging around these girls. Sometimes they pretended to be just boyfriends. One of these girls was even sexually assaulted by one of the men. In another case it was discovered that a 16 year old Romanian girl was paying her subsistence to a male agent who had brought her to England. The man had threatened that he would kill her family in Vietnam if she refused to part with her money. In yet another case, a 16 year old Congolese girl was found to be a domestic slave of a family. However, when investigations were made, the girl was moved to the woman's sister in the North of the country. The details of the case are still not known⁵⁶⁹.

A Romanian girl aged 19, who had already endured physical and sexual abuse from her alcoholic father, was introduced by an "acquaintance" to a man who offered her a job as a housekeeper/salesperson in the UK. When she arrived in the UK, the man sold her to a pimp and Lila was forced into prostitution. She was threatened that she would be sent home in pieces if she did not follow every order. After an attempted escape, her papers were confiscated and the beatings became more frequent and brutal. Months later, after being re-trafficked several times, Lila was freed in a police raid. She was eventually repatriated back to Romania where, after two months, she fled from a shelter where she had been staying. Her whereabouts are unknown⁵⁷⁰.

A group of women from the Baltic States were repeatedly recorded on CCTV shoplifting in supermarkets in the South of England. The recordings showed a man that seemed to be supervising the group. The police raided the flat where the women were staying and found

⁵⁶⁸ Somerset, C. (2004), "Cause for Concern? London Social Services and Child Trafficking", End Child Prostitution, Pornography, and Trafficking (ECPAT), London.

⁵⁶⁹ Ibid.

⁵⁷⁰ "Trafficking in Persons Report" (2008), Office to Monitor and Combat Trafficking in Persons, <http://www.state.gov/g/tip/rls/tiprpt/2008/105376.htm>, (accessed June 23, 2012).

that they were all sleeping in one room. The flat was very basic and none of the stolen goods were found on the premises. The women denied knowing the man that appeared to be the supervisor and seemed anxious, afraid and intimidated. In an informal talk with a translator, they seemed ashamed of what they were doing and said that they had come to work, but the work they were promised was not available when they arrived. Care workers from Bulgaria paid £2000 for jobs to be arranged in the UK, which was then deducted from their wages and included very high interest rate charges. A Polish woman was told that according to the law in the UK she had to pay £300 as part of facilitating a job as an au-pair⁵⁷¹.

Katerina was a student in Romania. She built up a friendship with a friend of a friend named Alex, who invited her to the UK and told her that she could stay at his house; he would even help her with the air fare. When she arrived in the UK, Katerina was held prisoner in a flat where she was repeatedly beaten and raped. Alex told her that she could have her freedom, but she would have to work as a prostitute to pay back the money that he had paid to bring her here. Katerina eventually gave in and began work, paying all of the money she made to Alex. Katerina was forced to return to work in the sex industry for over a year until Alex decided that he would sell her on to some other men. While trying to carry out the transaction Alex was arrested⁵⁷².

6.5 Comparison between Trafficking in the UK and the UAE

The government of the United Kingdom prohibited all forms of trafficking with the adoption of the Sexual Offences Act 2004 and Asylum and Immigration Act 2004, which prescribed penalties of a maximum of 14 years' imprisonment⁵⁷³. To disrupt trafficking networks and rescue victims, the UK government completed operation Pentameter II (this was a large-scale operation aimed at disrupting trafficking networks and rescuing victims) in March 2008, thereby identifying 167 potential victims, arresting 528 suspects and seizing assets of over 5 million dollars. Despite all the efforts by the government, many

⁵⁷¹“The Trade in Human Beings: Human Trafficking in the UK”, Sixth Report of Session 2008–09, Volume I, House of Commons, The Home Affairs Committee, www.statewatch.org/news/2009/may/uk-hasc-trafficking-report-vol1.pdf, (accessed July 13, 2013).

⁵⁷² Ibid.

⁵⁷³ Trafficking in Persons Report, 2009, Op cit.

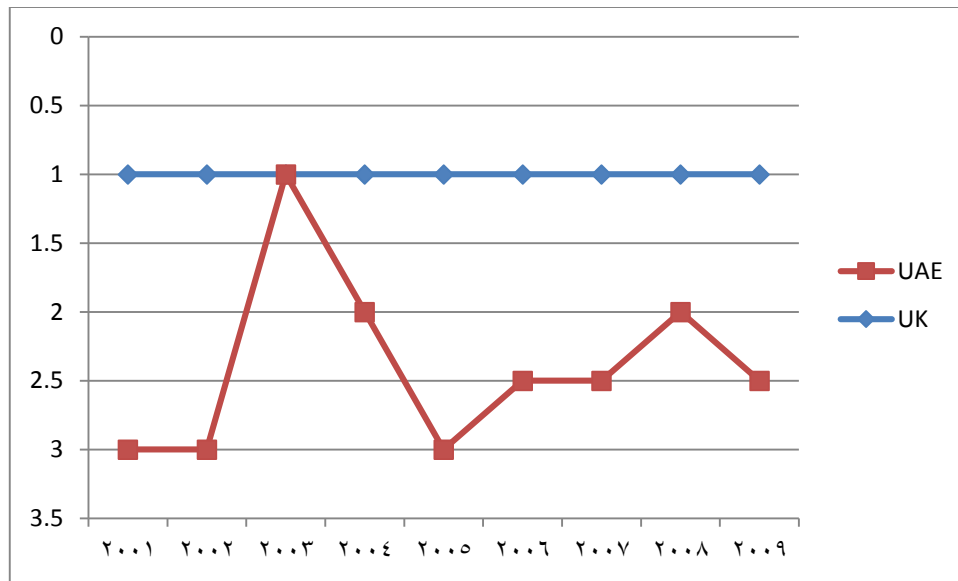
NGOs and international organisations have expressed serious concerns regarding the government's ability to protect children. Even the Metropolitan Police estimate that 70% of the 88,000 women engaged in prostitution in England and Wales are under the control of traffickers. To address such concerns the UK government launched the "Blue Blindfold" awareness campaign in January 2008 in 12 major cities in the UK⁵⁷⁴. Through this campaign, the government sought to provide awareness about trafficking through a series of posters, leaflets and a website⁵⁷⁵.

The UAE is a major destination country for both male and female victims of human trafficking. Most of the victims are brought from South and South East Asia for the purpose of labour and commercial sexual exploitation. In contrast to the UK, trafficking in the UAE for domestic workforce exploitation is aided by the non-inclusion of domestic workers under the protection guaranteed by the UAE labour law. Numerous cases have been reported in the country that involved the exploitation of domestic workers by unlawful withholding of passports, restrictions on movement, non-payment of wages, life threats, physical and sexual abuses. These conditions do prevail in the UK, but to a much lesser extent. The implementation of rules and regulation as far as trafficking is concerned is much better than the UAE. The comparative ranking of the two countries by the Department of State, US up to 2009 is given below in figure 6.2.

⁵⁷⁴ Ibid.

⁵⁷⁵ All Change: Preventing Trafficking in the UK (2012), Op cit.

Figure 6.2: Tier ranking of the UK and the UAE by year⁵⁷⁶



These rankings show that the UK has consistently stood at number one position for its commitment to anti-trafficking efforts. However, the position of the UAE has fluctuated from the worst ranking of 3 in 2001 to the best rank of 1 in 2003 and finally to settle at 2WL ranking in 2009 (2WL rank is depicted by 2.5 in the above chart).

One basic thing that this ranking depicts is that internationally the efforts of the UK in combating trafficking are appreciated while those of the UAE are still lagging behind. In this regard, the first thing to be noted is that the government of the UAE was far behind in the adoption of any kind of anti-trafficking law. Federal Law 51 was adopted in 2006 in the UAE. It is now considered to be a major step towards the elimination of trafficking from the UAE. In the case of the UK, anti-trafficking measures were adopted much earlier, with preliminary steps being taken long ago in 1807.

Secondly, by analysing the key features of anti-trafficking measures it is revealed that differences exist between the action plans adopted by the two countries. The UK's plan is performing much better than the UAE's plan. The Home Office of the UK government along with the Scottish Executive formulated an anti-trafficking action plan having six objectives. These included prevention, law enforcement and prosecution, providing

⁵⁷⁶Trafficking in Persons Report, 2009, Op cit.

assistance and protection to adult victims, having provision for specific measures for children trafficking victims, collaboration with international partners, and finally, monitoring. On the other hand, the National Committee to Combat Human Trafficking (NCCHT) formed in the UAE in 2007 for combating trafficking is working with only four objectives. These are legislation, enforcement, victim support, and international cooperation and bilateral agreements. Four of these are in line with the action plan of the UK, but two main factor are excluded. The UK's plan has special provisions for providing support to victims of child trafficking. NCCHT's anti-trafficking efforts are also devoid of monitoring efforts. These two lacunae need to be taken care of as soon as possible.

Thirdly, it should also be acknowledged at this juncture that with regard to legislation the UAE government stands nowhere in comparison with the UK. The government of the UAE adopted just one piece of legislation (Federal Law 51) in 2006. On the other hand, the government of the UK took proactive action in this direction, from time to time, in line with anti-trafficking requirements. The UK government introduced the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 along with the equivalent Scottish provisions of the Criminal Justice (Scotland) Act 2003 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 to boost anti-trafficking legislation.

Finally, the UK has well-established anti-trafficking agencies to combat trafficking. The National Referral Mechanism (NRM) makes enquiries to determine the status of victims in two stages: 'reasonable ground' and 'positive ground'. The Inter-Departmental Ministerial Group (IDMG) on human trafficking established in the UK is tasked with monitoring all anti-trafficking efforts. Other than these, some non-government organisations like the Anti-trafficking Monitoring Group are also actively involved in monitoring and tracking trafficking cases in the UK. In the case of the UAE, the government has not taken proper measures to revamp NCCHT. The committee is the only official institution in the country to combat and monitor trafficking activities. There is hardly any active private institution or agency that is monitoring and analysing the anti-trafficking efforts of the government of the UAE.

6.6 Conclusion

The chapter provided an overview of the current situation of human trafficking in the UK and also explained in detail the various measures taken by the government to combat trafficking in the country. A key feature of these measures is the proactive nature adopted by the UK government to address the short comings as and when they are known. However, the analysis of the same efforts taken by the government of the UAE reveals a different story altogether. Although the UAE has adopted anti-trafficking legislation, the basic urge to implement it on the ground seems to be lacking. It is time for the UAE government to deal with this issueseriously. It should devise amendments and changes to the Federal Law 51 in line with international requirements and the changing modus operandi of traffickers. A practical and upbeat approach to trafficking should be adopted by the government of the UAE.

It would be appropriate to mention that despite its best efforts, the UK government has not been able to curb trafficking in humans completely in the country. The number of cases cited in the chapter indicates that trafficking is still occurring in the country. However, the approach adopted by the government has made life difficult for traffickers. The same kind of approach and practical orientation is required from the government of the UAE.

Chapter Seven: Research Methodology

7.1 Introduction

The review of literature in chapter 2 provided an overview of the current status of human trafficking. It revealed that human trafficking has penetrated into almost every society and country. The literature review also helped in determining the different types of victims of human trafficking. The efforts taken by the world community in tackling human trafficking around the globe are given in the conventions against human trafficking. Chapter 3 explained the conventions adopted by various international organisations and national governments to curb this menace. Since the focus of this research is to determine the present state of human trafficking in the UAE and its comparison with the UK, chapters 5 and 6 dealt with the ground realities of human trafficking in these two countries. This chapter deals with the details of research methodology adopted in this study.

The chapter begins with an explanation of the kind of research design used for the study. The rationale for using this design is also explained in detail. The next section includes a discussion on the data collection strategies employed for this study. Both primary and secondary data was collected for the purpose of this study. The two techniques used for data collection were policy and documentary analysis, and semi-structured interviews. The policy and documentary analysis was done through secondary sources while semi-structured interviews were the primary sources of data for this study. The background research for the project encompassed both primary and secondary research materials. The primary research was conducted through the use of semi-structured interviews. One of the key aims of the primary data gathering was to gather data from parties involved in the UAE's continuing fight against human trafficking and for an evaluation of progress to be established.

The policy and documentary analysis is covered along with an explanation of the process of the interviews undertaken to conduct this research. The secondary research approach allowed for the collation and analysis of international and national reports, and for the considerations of other researchers and academics in the field to be assessed. A large desk-

based study using available library sources, both hard copy and electronic, was utilised, and a clear pattern for the evaluation of trafficking was thus established.

One of the benefits of this methodology, combining primary and secondary analyses, was that it enabled the researcher to adopt a number of approaches within the analysis. Thus, a black-letter approach (often found in considerations of legal documents and sources), was used to evaluate the impact of UAE legislation and the overlap with UK source materials. Whilst this may have a limitation in that it may provide an overtly descriptive focus, the comparative aspects did provide the opportunity for greater evaluative and analytical dimensions to the discussion. Therefore, the comparative approach was highlighted as an important approach to the methodology. Furthermore, the evaluation of the varying reports and primary research findings allowed the researcher to adopt a more socio-legal perspective and gave greater emphasis to the critical dimensions of the findings and conclusions.

The pilot study conducted before carrying out the interviews and the modifications made thereafter are also discussed. As a part of the pilot study three preliminary interviews were conducted with the officials of the government of the UAE. These interviews were recorded and later transcripts were prepared. The analysis of these transcripts revealed that some of the questions were not properly understood by the interviewees. Modifications were made to these questions. Questions like “how big is the issue?” and “how does human trafficking differ from migrant smuggling?” were modified to “according to you how severe is the issue?” and “Did you perceive that different issues are involved in human trafficking and migrant smuggling?” respectively. Similarly, in some questions language was changed while in others the entire question was either dropped or modified.

7.2 Selecting the Methodology:

When commencing this research project it was necessary to consider the reasons for the project, and what was to be expected in terms of achievement. For reviewing the objectives, it was important to ask the general questions – what, why, when, where, when, etc., was the research to be carried out⁵⁷⁷.

⁵⁷⁷Dawson, C. (2009) *Introduction to Research Methods* (4thed) Oxford: How to Books Ltd.

A number of research methods have been identified, and these are elaborated below. It was important to consider the methodology for the study. There is a large element of qualitative analysis, whereby the ideas and experiences of other academics and important sources were evaluated. This was specifically addressed when considering the ideas put forward in the semi-structured interviews that were utilised as one of the main research method tools. One of the main elements of this approach was to utilise the notion of grounded theory⁵⁷⁸, whereby the theoretical aspects in the evaluation were derived from data collected. In grounded theory studies, like this one, the analysis process can be considered to be like a braid, with data collection, analysis and interpretation as the braided strands⁵⁷⁹.

Grounded theory approach is based on two assumptions. First, it is assumed that the analysis rests solely with the researcher. Second, the analysis starts with the collection of data. Thus, following the grounded theory approach, the researcher combined the data collection and analysis stages in this study. Questions in semi-structured interviews were formulated on the basis of analysis carried out in the literature review and the case example in the UK.

As pointed out by Tydlum and Brunovskis,

"One of the most challenging problems facing researchers is the fact that most of the populations relevant to the study of human trafficking, such as victims/survivors of trafficking for sexual exploitation, traffickers, or illegal migrants are part of a "hidden population", i.e. it is almost impossible to establish a sampling frame and draw a representative sample of the population. The papers dealing with research methods highlight some of the key problems encountered when conducting trafficking research".⁵⁸⁰

Studies such as this global report have highlighted the paucity of research in the field, and have questioned the methods and data gathering tools utilised. They go on to point out that the nature of the problem itself raises difficulties in conducting research.

There are many reasons why data on trafficking are so poor (Laczko and Gramegna, 2003).

Trafficking is a clandestine activity, and most cases probably go unreported because

⁵⁷⁸Glaser, B. and Strauss, A. (1999) "Discovery of Grounded Theory: Strategies for Qualitative Research", Chicago: Aldine Transactions

⁵⁷⁹ Daly, K. J. (2007) "Qualitative Methods for Family Studies and Human Development", SAGE Publications, UK, at p.209

⁵⁸⁰Glaser, B. and Strauss, A. (1999), Op cit at p.5

victims are reluctant to go to the authorities, or are unable to do so because of intimidation and fear of reprisals. Most law enforcement agencies give low priority to combating trafficking. If countries have no specific trafficking laws, trafficking crimes may be reported under other headings.

In developing countries the capacity to collect data may be very weak.⁵⁸¹ However, the use of such studies has allowed for a quantitative approach to be developed, and the analysis of figures and findings from such research authorities has provided much impetus for the present study.

7.3 Research Design

Research design provides the framework or plan that guides the researcher in collecting and analysing the data⁵⁸². It is just like the blue print made by an architect for designing a house. It provides the necessary information about any research project and enables the researcher to do the work in a pre-specified direction. It helps in saving a lot of precious time for the researcher. It ensures that the research is conducted in an efficient and effective manner. However, it should not be considered as a rigid disclosure about the research which does not allow any kind of changes. In fact, research design carries the broader guidelines necessary for conducting the research such that at some later stage modification, alterations, additions and deletions can be made easily.

The research design used in this study comprises of three key elements, namely, review of literature, semi-structured interviews with the institutions in the UAE and a case example on human trafficking issues of the United Kingdom. Such a research design is a little different from the conventional research design. Actually, it is a mixture of both exploratory and descriptive research designs. This kind of research design was used to obtain a holistic view of human trafficking by understanding what are the international efforts in combating trafficking, what is actually happening in the UAE, and to compare the human trafficking environment of the UAE with that of the UK. This study is exploratory, as through the literature review the problem of human trafficking is identified

⁵⁸¹Ibid at p.12

⁵⁸²Malhotra, N. K. (2007), "Marketing Research Applied Orientation", 5th edition, Pearson Education, Inc., New Delhi.

and explored. The descriptive part includes the further description of the problem and identification of possible solutions, which will be done through semi-structured interviews and the case example (the UK).

The literature review is entirely based on secondary data related to different aspects of human trafficking. It covers the global estimates of human trafficking like magnitude of the crime, types of victims, the scope of human trafficking and profits earned by traffickers. In order to better understand and to prevent human trafficking, the different definitions of human trafficking are discussed in the literature review, including the holistic definition adopted in the Palermo Convention 2000. Furthermore, the major causes of human trafficking are analysed so that preventive measures can be taken. Finally, the distinction between human trafficking and slavery, and that with migrant smuggling is made, to bring out the similarities and differences between these seemingly similar but different activities.

The next element of research design is the semi-structured interview. These interviews provided a first-hand account of the situation of human trafficking on the ground in the UAE from the officers who are actually involved in combating trafficking. These interviews were conducted in 2013. The interviews included questions related to the experience and training of officers in tackling cases of human trafficking, the kinds of laws in the UAE to prevent trafficking, the detection of cases and steps taken to prevent them, the treatment given to the victims, dealings with the traffickers, supervision of anti-trafficking efforts and the effectiveness of anti-trafficking laws and measures in the UAE. These semi-structured interviews provided insights into the actual world of trafficking in the UAE.

It was not possible to engage in a large-scale survey, and thus a smaller sampling of people identified was made. To make the most of the opportunities for acquiring valuable data, a select number of officials within the UAE government, involved in the fight against human trafficking, were identified and a semi-structured approach to the interviews was adopted. The selection of these officials for interview was done by simple random sampling. Furthermore, it was also planned to record the spoken interviews as this would provide

written transcripts which may be useful in the evaluations. Ethical considerations were noted, and the anonymity of persons was maintained throughout the process.

The third element of research design is the case example on human trafficking issues of the United Kingdom. The chapter on the UK is taken up as a case example. At this point it is necessary to understand the distinction between a case study and a case example. A case study is a qualitative method of investigating a contemporary phenomenon in natural settings⁵⁸³. The case study should have a ‘case’ that should be a complex functioning unit to be investigated in a natural context through a multitude of methods⁵⁸⁴. A Case study is a meta-method as it combines the strategies of other kinds of research. On the other hand, a case example has limited scope and it can be taken to analyse some phenomenon or to compare two institutions.

This case example provides a comparison of human trafficking activities and government initiatives in combating trafficking between the UK and the UAE. This case example approach allowed for the identification and evaluation of specific problems within the area of human trafficking and allowed for an analysis of whether specified solutions were being adequately implemented to deal with those problems.

As was noted above, there are difficulties in gathering appropriate information and data in this field, due to a number of variables and the simple fact that those who are regarded as the victims of trafficking are often found to be ‘invisible’. However, it was felt that this multi-faceted approach to the methodology would allow for the greatest acquisition of data and provide for a more meaningful analysis and evaluation.

7.4 Theoretical Perspective Applied in the Thesis

The theoretical framework of a thesis guides the researcher in going about the thesis in a logical manner. Theory of a thesis reflects about what is going on, inside the mind of the researcher. Properly defined theory, not only leads to accurate formulation of research

⁵⁸³ Harding, K. “An Overview of Case Study”, Wilfrid Laurier University, Canada, www.farmfoundation.org/news/articlefiles/1028-1_hardling.pdf, (accessed January 09, 2013).

⁵⁸⁴ Johansson, R. (2003), “Case Study Methodology”, International Conference on Methodologies in Housing Research, Royal Institute of Technology, Stockholm.

questions and problem statement, but also facilitates the discussion of findings, and writing of conclusions. The researches that are conducted on the basis of good theoretical framework are free from personal judgments and guess work. Rather, these studies develop out of established theory and empirical facts obtained from credible sources.

The theoretical perspective of this thesis stems from the assumption that human trafficking is a major problem in the UAE; and it can be tackled through effective changes in the legal environment. There is no doubt that human trafficking has become a huge challenge for national and state governments, NGOs, and international organizations. Despite the preventive measures adopted in many nations, the problem has aggravated in recent years. The UAE, being an international trading and tourism hub, is also finding it difficult to cope with this trouble. Thousands of gullible people come to the country in search of jobs and better living standard and are pushed into the draped world of trafficking. Among those who are trafficked into the country are, men - mainly trafficked to work on construction sites; and women and young girls - usually trafficked for sexual exploitation and domestic servitude. So, the picture is very much clear, the country is suffering from an acute problem, which requires immediate remedial actions.

There are different methods which can be applied to solve the menace of trafficking in the UAE. Curbing trafficking requires effective legislations, coordination and collaboration between anti-trafficking agencies, fair prosecution and laws enforcement, adoption of preventive methods, and providing protection and assistance to victims. These different approaches used in anti-trafficking efforts are important and have been employed by various national and state governments in different degrees. It would be more appropriate to use a combination of these methods because one method supplements the other. Effective legislation would help in coordination and control. It would also lead to fair prosecution and law enforcement. In turn, coordination between nation states would result in better law enforcement. Subsequently, the law enforcement agencies can give the feedback to re-write the laws and legislation that suit the current requirements. So the chain of formulation, implementation and improvements in law would continue in a cyclical manner.

No doubt, all the methods and ways of curbing trafficking, discussed above, are important, but they need to be applied differently in different countries. The relative importance of these methods can be judged on the basis of the actual ground conditions of trafficking prevailing in a particular country. Since, each country has a different set of social, economics, political and demographic factors, the anti-trafficking approach adopted, also need to be different. Developed countries, prominently the Western world, took an early start in anti-trafficking efforts. They adopted legislations and took a leading role in establishing agencies in their fight against trafficking. On the other hand, most of the gulf nations and developing countries realized the danger posed by human trafficking quite late. They still are in the early stage of their anti-trafficking battle. So, it is obvious that a country need to adopt and align its anti-trafficking approach depending on where it stands today.

This study focuses on reforming the legislation aspects of the anti-trafficking law in the UAE. As stated earlier, legislation plays a crucial role in strengthening the hands of law enforcement agencies. It provides the definition of trafficking, proposes penalties and corporal punishments, and facilitates the establishment of procedures and institutions required for curbing trafficking. The UAE is in the early stage of its anti-trafficking drive. It adopted the first anti-trafficking law in 2006. The National Committee for Combating Human Trafficking (NCCHT) was established in 2007 to report the cases of human trafficking and to keep an eye over the entire country. Owing to the late start, the legislation part of the anti-trafficking law is not strong enough to combat trafficking effectively. It needs regular and consistent updates and improvements over the next several years. This study proposes to suggest changes, expansion and extensions of the anti-trafficking law of the UAE, to make it more comprehensive and competent enough to tackle the problem.

7.5 Matching the Research Objectives and the Methods Used

The study broadly has one prime aim, from which six objectives have been derived (see Section 1.7). The primary aim is to examine reform of the legal regulation of human trafficking in the UAE, which was introduced in 2006, to establish whether the problems arise from the substantive law or from the law-enforcement processes. Also, to

ascertain the weaknesses in the law of trafficking in human beings of the United Arab Emirates in terms of legal materials which might be exploited by criminals and to find out whether, in the recent past, the menace of human trafficking has increased in the UAE or otherwise.

For a proper research to be conducted the researcher should focus on matching the objectives of the research with the methods employed for conducting the study. Through a qualitative analysis of the research reports and findings of various agencies, in the literature review portion of this thesis, the increasing menace of human trafficking is determined. The literature review also helped to discover the gaps that are present in the existing system of tackling human trafficking in the UAE. Moreover, the literature review would again be useful in determining the effectiveness of international conventions in dealing with the issues of human trafficking. The semi-structured interviews checked the preparedness of the institutions in the UAE in combating human trafficking in the region. Based on the data collection, a qualitative analysis was undertaken which involved an evaluation of the socio-legal environment in which trafficking activities take place. Finally, the case example on the human trafficking issues of the UK helped in establishing benchmarks for the anti-trafficking efforts to be followed in the UAE. To sum up, the use of multiple methods for the collection and analysis of data proved to be complementary, as one method almost always was able to fill in the gaps left by others.

7.6 Research Ethics

A researcher is required to maintain a high level of integrity and moral rectitude, by desisting from acts that are not ethical in nature. Ethics is defined as the doing of the right thing at the right time⁵⁸⁵. Doing morally and legally right things while conducting the research is ethics. There are many things that might be right for one group of people that may not be the same for another. So it is important to have some ethical framework on the basis of which the ethical behaviour of the researcher can be determined. A researcher can follow ethics by being knowledgeable about what is to be done, by taking decisions on a

⁵⁸⁵Kok, P. et al. (2001), "A Corporate Social Responsibility Audit within a Quality management Framework", *Journal of Business Ethics*, Vol. 31, No. 4, pp. 285-297.

rational basis and without bias and by accepting the responsibility for the possible negative outcomes of the research.

The six principles as identified by ESRC for conducting research according to an ethical framework are⁵⁸⁶:

- A research should be properly designed and undertaken such that the integrity and quality is maintained throughout the course of the research.
- All the various participants of the research like research staff and subjects should be aware of the purpose and methods to be used in the research.
- No compromise should be made with the confidentiality of information and anonymity of respondents of the research.
- Use of force or coercion on research subjects to participate in the research should be strictly avoided. Research subjects can be persuaded to participate but forced participation renders the study useless.
- Steps should be taken such that research subjects do not face any kind of mental or physical harm.
- The researcher should act independently and any conflict of interest be specified explicitly.

As this study is based on three key elements, therefore, ethical standards were followed in different contextual frameworks as discussed below. In the literature review stage, utmost care was taken that there was no plagiarism and copying of text from different sources. It was also ensured that proper credit is given to the authors whose work and findings are discussed in the chapter. The sentences were properly paraphrased before the findings were reported.

Ethical standards become more relevant for the second stage of the study, which required conducting interviews with the institutions in the UAE on the area of human trafficking. This is because the subject of the study is sensitive, as it is related to criminology and illegal activities. Therefore, this stage required strict adherence to ethical considerations. The interviews were carried out according to the ethical framework provided by ESRC and

⁵⁸⁶ESRC, “Research Ethics Framework”, Economic and Social Research Council (ESRC), Swindon, United Kingdom.

the principles of which are also discussed above. Before the interviews, permission was obtained from all the concerned departments. The subjects were initially briefed about the purpose and the methods that were to be used in the study. They were included in the study only upon their free will based on their consent. They were assured that their identity would not be disclosed and responses would be kept confidential under all circumstances. No force or coercion was used to solicit the responses from the respondents. Interviews were conducted after seeking a prior appointment, so that the interviewee is at ease and their work was not hampered. Moreover, there was no conflict of interest between the researcher and any interviewee.

The final stage of the study is based on a case example on the human trafficking environment in the United Kingdom. The ethical standards dealing with the biases on the part of the researcher were followed in this stage. It was ensured that the selected country was studied for its human trafficking environment in its entirety. There should not be any kind of over reporting or under reporting about the human trafficking situation, on the part of the researcher, owing to the relationship of the researcher with that particular country. In the beginning of the case example the origin and associations of the researcher with different countries were mentioned. This was followed by a disclaimer about the conflict of interest with any particular country.

7.7 Limitations of the Study

The sensitivity and complexity of this topic give rise to certain limitations in the design and execution of this study. The limitations of this study are:

- There is limited information available about the actual number of trafficking victims. Therefore, the findings are based on estimates of trafficking victims as provided in various research reports.
- Since trafficking is a complex subject, collection of data through semi-structured interviews became complicated. Despite conducting a pilot study and modifying interview questions, it is expected that some of the questions were answered more accurately by some participants than others.

- The sample size for conducting semi-structured interviews is small as many officials were reluctant to discuss the sensitive issue of human trafficking.
- The study follows the grounded theory approach which assumes that the analysis rests solely with the researcher. There are fair chances that the analysis and findings may have been biased.
- Another limitation of the study lies in comparing exactly the laws of the UAE and the UK as both the countries have different legal systems. The comparison between these two countries was done by broadly comparing the anti-trafficking laws adopted by them and evaluating the findings of various research reports.

7.8 Conclusion

Description of proper and appropriate research methodology is the utmost requirement for any research. This chapter covers the introduction of the methodology used in this study, the rationale for using this methodology, research design, discussion on how the research objectives are in line with the methods used in the study, and also the ethics followed in conducting this research. It explains in detail how the entire study was planned and develops the methods that were employed to carry out the study. A comprehensive picture of the entire study was drawn and the road map for further work to be done was discussed in this chapter. It is difficult to collect data on human trafficking as it is a clandestine activity. Subsequently, the study followed the grounded theory approach and employed two techniques of data collection, namely, policy and documentary analysis, and semi-structured interviews.

Chapter Eight: Findings

8.1 Introduction

This chapter contains the findings derived from the data collected through primary and secondary sources. The conditions of human trafficking in the UAE has already been analysed in chapter 5. Chapter 6 included a case example on trafficking issues and anti-trafficking measures adopted in the UK. Both these chapters were based on secondary sources of data collection. This chapter is divided into two main sections: Section 8.2 covers findings from the review of literature including findings from the review of laws etc. globally, in the UK and the UAE. Section 8.3 contains the analysis of interviews. The findings from section 8.2 helped the researcher to narrow down the issues that are critical and that need to be explored further in the context of the UAE. This exploration was done with the help of semi-structured interviews with government officials working in various anti-trafficking departments of the UAE. The semi-structured interviews formed the primary source of data collection for this study and included interviews with government officials from:

- a. the National Committee for Combating Human Trafficking,
- b. the Department for Combating Organized Crime Dubai Police,
- c. the Dubai Foundation for Women and Children (DFWAC),
- d. the Public Prosecution in Dubai,
- e. the Department of Anti-trafficking in Ministry of the Interior (Abu Dhabi), and
- f. The Centre of Monitor human trafficking crimes at Dubai Police.

These organisations were selected for conducting semi-structured interviews because they are directly responsible for anti-trafficking operations in the UAE. The officials working in these organisations are directly related to various aspects of human trafficking, be it legislation, prosecution or providing protection and support to victims.

The main purpose of using semi-structured interviews was to triangulate the key findings of the analysis of secondary data. In an unstructured or semi-structured interview there is no fixed structure for the interview. The interviewer has some prepared questions but these

questions are not asked exactly in the manner as they are framed. There is always room for improvisation of questions⁵⁸⁷. Semi-structured interviews have certain advantages over other types of qualitative interviews, namely, structured and group interviews. The main benefit of the semi-structured interview is that it helps to delve more deeply into the social situation. They neither digress the interviewee too far from the original purpose, nor lead to over-directing the performance by the interviewer.

These interviews give a first-hand account of the situation of human trafficking on the ground in the UAE. The interviewees were asked various questions related to the prevailing conditions of human trafficking in the UAE and the manner in which anti-trafficking legislation was implemented in the country. The interview proceedings were recorded and later on transcribed in word format. Analysis of these transcripts is presented in this chapter along with some references from secondary data. Secondary data was mainly collected on the differences in the legislation of the UAE and the UK. This was done to draw upon the comparisons between the trafficking regulations of the two countries. Through these interviews and comparisons the shortcomings in the legislation adopted in the UAE were highlighted. It is expected that by looking into these shortcomings the government will take remedial actions. These remedial actions are suggested in the recommendation portion of the last chapter.

Thus, the overall methodology of this study was to first analysis the issue of human trafficking in general, then to narrow down on aspects of trafficking in the context of the UAE. This was followed by comparing the practices in the UAE with those in the UK through secondary sources. Finally, to triangulate the findings of these secondary sources, primary data was collected from the officers involved in the anti-trafficking operations in the UAE. Conclusions were then drawn on the basis of both primary and secondary sources of data.

⁵⁸⁷Myers, M.D. and Newman, M., 2007. The qualitative interview in research: Examining the craft. *Information and Organization*, 17 (1), 2-26.

8.2 Comparison between Anti-Trafficking Legislations and their Implementation in the UAE and the UK

The UK has ratified the Council of Europe Convention on Action against Trafficking in Human Beings. This convention requires a state to adopt minimum standards for dealing with cases of human trafficking. It makes it mandatory for the state to provide certain basic support and protection to the victims of human trafficking. With this Convention, the UK entered the league of a select few countries in the world which have adopted policies for the victims of human trafficking. This reflects the maturity in anti-trafficking efforts adopted by the UK authorities. The UK was the first country to adopt the Anti-Slavery Law back in 1807.

The government of the UK considers human trafficking to be a criminal activity and a violation of human rights⁵⁸⁸. It requires the protection of victims of human trafficking by all possible means, as they are exploited in many cases beyond the imagination of the common man. Special efforts are required for the victims of sexual harassment who are transported into the UK on false promises of better living conditions and decent salaries. In many cases these victims were even denied their share of income earned through illegal prostitution and were kept in forced confinement. In chapter 1, the purposes of trafficking and its impact on an individual, society, and the economy were discussed. Chapter 2 described in detail various aspects related to human trafficking in general. It included the definition of human trafficking, various estimates of trafficking, comparison of trafficking with slavery and migrant smuggling, and a discussion on anti-trafficking actors and counter-trafficking strategies. These two chapters provided a solid platform for analysing the various aspects of human trafficking in the UK.

Recently, awareness of trading in human beings for forced labour and sexual exploitation is increasing the UK. Through the efforts of the media and social groups, the attention of common people and the government was drawn towards the need for fulfilling the provisions of various laws and regulations that were passed to combat human trafficking. There are several Acts such as the Sexual Offences Act 2003, Criminal Justice (Scotland)

⁵⁸⁸Daffron, J. W. (2011), "Combating Human Trafficking: Evolution of State Legislation and the Policies of the United Kingdom and France", Masters Dissertation, Naval Postgraduate School, Texas A&M University.

Act 2003, Children Act 1989, Gangmasters (Licensing) Act 2004, Immigration, Asylum and Nationality Act 2006, Crime Act 2002 and the Human Rights Act 1998 that outlaw human trafficking and empower the state to put an effective check on trafficking activities⁵⁸⁹. The UK has also signed and ratified the UN's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the 'Palermo Protocol'). Hence, it can be stated that, as of now, the UK has a vibrant number of anti-trafficking laws in place. These laws address different aspects of human trafficking like forced labour, prostitution, torture, slavery, illegal immigration, and so on.

The situation of trafficking in persons in the UAE was analysed in chapter 4 of this study. It was found that the anti-trafficking laws in the UAE were of recent origin. Although care has been taken in drafting these laws there are still many issues that have to be resolved to make the UAE a proactive country in anti-trafficking efforts. The first law against trafficking in the UAE was adopted in 2006. The following year the National Committee for Combating Human Trafficking (NCCHT) was formed to report the cases of human trafficking and to monitor the entire country. Due to the late adoption of anti-trafficking laws, the mechanisms adopted in the UAE are not particularly effective. The numbers of cases being reported are much lower than the actual proportion of the crime. The anti-trafficking officers do not have much experience in handling cases of human trafficking. In a few cases they have not shown the kind of sensitivity towards the victims of human trafficking as is expected of an officer working in this field. The country is also lacking a knowledge base on human trafficking activities. The legislation is mainly drawn from those adopted in Western countries. Little attention was paid to local issues and realities on the ground. It is expected that this study will bring out the lacunae in anti-trafficking legislation and the implementation of these laws in the UAE.

There are wide disparities amongst the emirates of the UAE. Five out of seven emirates do not have any shelters or home for the victims of human trafficking. These emirates also do not have a proper training mechanism for the police officers in anti-trafficking. Specialised and trained officers are required for these five emirates. The anti-trafficking mechanism

⁵⁸⁹The Trade in Human Beings: Human Trafficking in the UK, Sixth Report of Session 2008–09, Volume I, House of Commons Home Affairs Committee.

can only be strengthened in the UAE by ensuring the joint and sincere efforts of all the emirates. Monitoring the operations of traffickers requires coordination from all the emirates on an equal footing. Otherwise, traffickers will remain active in the country as they can continuously shift from one emirate to another depending upon the efforts undertaken by each emirate.

8.3 Analysis of Interviews

Interviews were conducted with six officials from the UAE government. The six interviewees are named as a government official 1, a government official 2, and so on to conceal their identity. They were asked questions based on a semi-structured interview. Their responses are analysed below to understand the condition of human trafficking in the UAE. All the government officials were found to be unanimous in their definition of human trafficking. More or less, they all quoted the definition given in the 'Palermo Protocol'. For them, human trafficking means the use of coercion, force, deceit, fraud, etc. to mislead the victims and transport them to different locations for exploitation. Even if the person has travelled of his own free will, it is possible that the case is one of human trafficking.

The government officials were concerned about the increase in the number of cases of human trafficking in the UAE. They reported that in 2011, 43 such cases were discovered. Off the record, government official 2 said that these are the published official numbers whereas the actual numbers of cases are expected to be higher. Victims of human trafficking are not aware of their rights and are afraid of reporting to the police and authorities for fear of being removed from the country. This revelation implies that more confidence building measures are required to be adopted to make the victims feel that once they report the crime their further exploitation will not occur⁵⁹⁰.

The contributing factor to human trafficking in the UAE was described by government official 6 as the fact that the UAE is a country which has attracted people from different parts of the world. Some of these people have low personal ethics and care less for others.

⁵⁹⁰Interview with a government official from the Department for Combating Organized Crime Dubai Police, 13/03/2013.

The degradation of human society and the decline in human values is the prime reason for the spread of human trafficking in the UAE. There are people who arrive in the country with high expectations of personal development and growth. When they find that they are not equally qualified to work in the competitive environment of the UAE they often indulge in illegal activities. Human trafficking is one of them⁵⁹¹.

Government official² was of the opinion that economic factors are largely responsible for the prevalence of human trafficking in the UAE. Human trafficking is a question of demand and supply, as the economy is thriving, which attracts lots of people to come. These people have money with which they indulge in buying sexual pleasure. Social factors such as the cosmopolitan population, comprising people of 200 nationalities and a large population of single males are also contributing factors. The UAE is a destination for tourists from neighbouring Gulf countries and the Western world. It becomes an attractive place for human traffickers. Therefore, there is an entire system which enables human trafficking in the UAE and it has now grown into an inevitable consequence of the growing economy and economic change⁵⁹².

Government official⁵ believed that human trafficking and migrant smuggling are two different crimes. In chapter 2 also, the distinction between human trafficking and migrant smuggling was made, highlighting the various issues involved in both. In migrant smuggling the exploitation of workers is not as prominent as is reported in human trafficking. Human trafficking is often carried out either by force or deceit, in which the consent of the victims is either not taken or the actual outcome of his/her consent is not known to him/her. Migrant smuggling is carried out with the full consent of the person, who willingly decides to travel from one place to another⁵⁹³.

According to Government official³, the government of the UAE adopted a proactive law, Federal Law No 51 in 2006, to combat human trafficking in the country. Chapter 4 carries

⁵⁹¹Interview with a government official from Centre of Monitor human trafficking crimes at Dubai Police, 20/02/2013.

⁵⁹²Interview with a government official from Department of Anti-trafficking in Ministry of the Interior (Abu Dhabi), 20/02/2013.

⁵⁹³Interview with a government official from Centre of Monitor human trafficking crimes at Dubai Police, 20/02/2013.

a detailed explanation of this law. The provisions of this law are discussed in the chapter. This law is proactive as it tries to identify and help the victims before they are subjected to human trafficking. The law calls for advertising of the probable circumstances of human trafficking and the escape routes that are available to a person who feels he/she has been a victim or is going to be a victim of human trafficking. The Law also requires that proper training should be given to police personnel involved in anti-trafficking efforts. They should be trained in such a manner that they are able to identify probable victims of human trafficking when they first arrive at the airports of the emirates. The law proposes a new compensation mechanism for the victims of human trafficking whereby they will receive state financial help to rebuild their lives once they are free from exploitation⁵⁹⁴.

The government officials were of the opinion that human trafficking can be controlled by educating the immigrants and focusing more on the training of immigration officers so that they are able to identify potential victims and protect them from exploitation. Cooperation with other countries will also help in reducing human trafficking. Before any mechanism for helping the victims of human trafficking was in place, people were afraid to report cases as they feared that they would be asked a number of questions about their own identity. With the new laws no cases are filed against victims for their illegal stay in the UAE, they are not treated as culprits and their dues and fines, if any, are also written off. They are allowed to return to their countries instead of being put behind bars. These measures are also expected to instill confidence in victims of human trafficking to report exploitation.

The causes of trafficking were examined in chapter 2. To wipe out trafficking from the surface of the earth, proper attention should be paid to the prime causes that are responsible for its origin. The international community should take steps towards the eradication of all forms of poverty. The socio-cultural factors have to be taken care of by educating people about the negative impacts of trafficking on an individual and society. Marginalised sections of society require special attention so that they do not fall prey to traffickers. The role of globalisation in the lives of people needs further examination. In many countries it has led to an increase in poverty and created miseries for the general population. The

⁵⁹⁴Interview with a government official from Dubai Foundation for Women and Children (DFWAC), 21/01/2013.

concentration of wealth in the hands of very few people needs to be checked. It is the utmost duty of every individual to say no to corruption and bribery.

Government official1 reported that both Dubai and Abu Dhabi score higher in the instances of reported human trafficking. Dubai's share is the highest amongst the emirates because it is a tourist and commercial destination for different nationalities⁵⁹⁵. Government official5 also believed that Dubai had a higher number of cases as it is a tourist hub and business centre.⁵⁹⁶

Obstacles to human trafficking eradication can be removed by education and training programmes held in the countries which are providing the labour force to the Gulf nations. Government official2 argued that people in these states should be told the truth about human trafficking and the methods that traffickers usually employ to trap their victims. Moreover, effective monitoring at the airports and transit points is also required to make anti-trafficking efforts more proactive. The increase in the number of cases shows that the reporting has gone up. Fewer cases in previous years do not signal that the crime rate was low. In fact, earlier victims did not complain that much and bore the exploitation silently. The rapid rise in the number of cases indicates that awareness about trafficking activities is increasing in the UAE.⁵⁹⁷

All the government officials were unanimous that a large proportion of victims of human trafficking were women who were trafficked for sexual exploitation. Domestic workers, both male and female, were also trafficked into the country. These victims were either abducted from their countries or were trafficked on false promises. They became aware of the reality once they arrived in the destination country. It was also agreed that identification of a victim of human trafficking was a difficult task. However, careful monitoring of those arriving at the airport and counselling of a few select cases will surely help in detection.

⁵⁹⁵Interview with a government official from The National Committee for Combating Human Trafficking, 05/03/2013.

⁵⁹⁶Interview with a government official from Department of Anti-trafficking in Ministry of the Interior (Abu Dhabi), 20/02/2013.

⁵⁹⁷Interview with a government official from Department for Combating Organized Crime Dubai Police, 13/03/2013.

When asked about the effect of trafficking on victims, Government official⁴ stated that trafficking is a crime against humanity. In chapter 3 it is stated that the League of Nations Slavery Convention of 1926 termed slavery as a crime against humanity. It does not just affect a single individual, but has an impact on others. When a person is trafficked, his/her entire family suffers, the society suffers due to the increased expenditure of the government in counter-trafficking operations and rehabilitation of victims. The exploitation and insult felt by the victim is everlasting and leaves deep imprints of exploitation on the victim. Federal Law 51 clearly outlines the measures that must be adopted by the anti-trafficking officers in dealing with the victims. They should be taken proper care and should provide all possible help. Victims of sexual exploitation must be protected and supported through counselling and rehabilitation programmes.⁵⁹⁸

Government official³ believed that trafficker is a person who indulges in trafficking activities during any stage of trafficking. Traffickers and victims usually belong to the same country. The methods adopted by the traffickers are common across different nations. Victims are mostly trafficked on false promises. Some are even abducted from their homes.⁵⁹⁹

The government officials reported that one of the most prominent achievements of the government has been in enacting an anti-trafficking law which has provided teeth to all anti-trafficking efforts. Secondly, through the National Committee for Combating Human Trafficking the government is continuously monitoring trafficking activities in all the seven emirates. More and more reporting of trafficking cases is being promoted. Investigations and conviction mechanisms have improved considerably in the UAE, but much still needs to be done to completely eradicate human trafficking from the UAE's soil.

8.4 Conclusion

The findings discussed in this chapter reveal that the first anti-trafficking law was adopted in the UAE in 2006 while anti-trafficking efforts started in the UK in 1807. This

⁵⁹⁸Interview with a government official from Public Prosecution (Dubai), 04/02/2013.

⁵⁹⁹Interview with a government official from Dubai Foundation for Women and Children (DFWAC), 21/01/2013.

shows that the legal system dealing with trafficking activities is much more mature in the case of the UK than the UAE. Subsequently, there is more awareness of trafficking in the UK than in the UAE. In the UK, the government has proactively adopted laws from time to time to curb trafficking. Social groups and media have also played a vital role in mobilising people's support against forced labour and sexual exploitation in the UK. However, in the case of the UAE, the late adoption of anti-trafficking law is the reason why the anti-trafficking mechanism is not as effective. There are a large number of cases that still go unreported in the country. The anti-trafficking officials do not have the required experience of handling trafficking cases. Even the general public are not sensitive enough to deal with victims of trafficking. To overcome these shortcomings concrete and coherent planning must be undertaken by the government of the UAE. Moreover, equal efforts are required for all the seven emirates.

The semi-structured interviews with the officials involved in anti-trafficking activities in the UAE also disclosed the same picture. Off record the officials were of the opinion that there are a large number of cases that are not reported to the authorities and victims suffer exploitation silently. The officials believed that the adoption of anti-trafficking legislation – Federal Law No 51 -has improved the general situation, but they were still concerned that the cosmopolitan nature of the UAE population, Dubai being an international trading and tourism hub, and some social factors are undermining the efforts taken by the government in curbing the menace of trafficking in the UAE. Several measures to combat trafficking highlighted by the officials in the interviews were - providing support and care to victims, spreading awareness about government initiatives for anti-trafficking, imparting training to law enforcement officials, sensitising the general public about human trafficking, taking steps to detect potential victims of trafficking, and entering into agreements with international institutions and nation states to combat trafficking.

Chapter Nine: Summaries of Findings, Conclusions and Recommendations

9.1 Introduction

Human trafficking has been established as a serious crime in the legislation of many countries due to international agreements and conventions. In the meanwhile, the crime has spread its tentacles through almost all the countries of the world. It is a highly profitable business where gains are made by exploiting the vulnerable sections of society. Poverty, unemployment, malnutrition, globalisation, gender-based discrimination, corruption, armed conflicts, and cultural and religious practices are some of the prominent causes of human trafficking. Although trafficking in persons is being carried out everywhere on the globe, there are some regions like North America, the Caribbean, Latin America, and across Asia, where it is more prevalent. Trafficking of women and girls is mainly done for the purpose of sexual exploitation and prostitution while men, women and children are also trafficked across the globe for forced labour on agricultural farms, mining camps, factories, domestic servitude, and begging. Forced or voluntary involvement of trafficked people in illegal activities like drug peddling, organ trading, forced marriages and arms manufacturing has also been reported.

Trafficking destroys the entire life of an individual. A trafficked person suffers from physical, mental and psychological problems. Trafficking is not just a crime against an individual but against all humanity. It has severe negative impacts on family, community, society and the country as a whole. It leads to wastage of natural resources and government revenues in counter trafficking programmes. The present study examined the trafficking environment of the United Arab Emirates. The changing dynamics of trafficking in persons in the UAE were studied with special reference to anti-trafficking measures followed in the United Kingdom. The findings and conclusions based on different sections of the study are presented below followed by section-wise recommendations.

9.2 Findings and Conclusions

The review of literature, the analysis of anti-trafficking legislation in various countries, especially in the UK and the UAE, and the data collected through interviews of

government officials involved in anti-trafficking efforts in the UAE presents several findings and conclusions. There is no doubt that human trafficking is at present increasing at a much faster pace. It has engulfed the entire world. The basic reason for the spread of this crime is the inability of countries to formulate strict legislation against trafficking and their utter failure in truly implementing the existing laws. Human trafficking is now one of the fastest growing criminal industries in the world. Many authors have started calling it 'Modern Slavery' due to its resemblance to the age-old practice of keeping human slaves. Trafficking involves so many disciplines and crosses so many boundaries that it needs to be studied more as an interdisciplinary research. Various issues of trafficking need to be evaluated from different perspectives, including migration, human rights, health, law, international enforcement and alike.

The following are the findings and conclusions drawn from different sections of this study.

9.2.1 Literature Review

As far as estimates of human trafficking are concerned, exact and accurate data are not available. Human trafficking activities take place in a secret manner and it is impossible to account for all the cases that are taking place in various countries. Various agencies which are involved in anti-trafficking efforts have reported varying estimates that cannot be verified through empirical methods. According to these estimates almost 600,000 to 800,000 people are trafficked around the globe each year. The majority of these victims are girls and women, who are primarily trafficked for the purpose of sexual exploitation and domestic labour. Human trafficking was found to be more prevalent in Asia in comparison with the rest of the world. The literature review revealed that in the Asia and Pacific region, the number of victims is 3 per 1000 inhabitants while this number is 1.8 per 1000 thousand inhabitants for the rest of the world.

According to a UNDOC report in 2008, there are 127 countries from which people are trafficked and 137 countries in world where these trafficked victims are exploited. This reflects the scope of human trafficking which is not confined to a particular region or area but has spread across the length and breadth of the globe. More focus in the literature has been given to 'victims' and less attention is paid to 'traffickers', their clients and the law

enforcement agencies involved in anti-trafficking activities. It is necessary to study these actors along with victims to have a better understanding of the way that they are creating an environment which facilitates trafficking.

Human trafficking is very lucrative because of the enormous profits that are generated by its activities globally. According to various estimates, traffickers are earning nearly US \$9-31 billion annually and these profits are expected to surpass those that are earned from drugs and illegal arms trafficking in the next five years. Human traffickers are earning so much that they possess monetary power to bypass rules and regulations owing to widespread corruption in government departments.

9.2.2 International Conventions to Combat Human Trafficking

International efforts in curbing human trafficking and similar crimes can be traced back to the end of the First World War with the formation of the League of Nations. The League of Nations Slavery Conventions were adopted in 1926 and considered slavery to be a crime against humanity. Later, the United Nations took the lead in promoting anti-trafficking measures. Many regional conventions and agreements were adopted in different regions to promote human dignity and safeguard the rights of humans. The International Agreement for the Suppression of the White Slave Traffic (1904), the International Conventions for the Suppression of the White Slave Traffic (1910), the International Convention for the Suppression of the Traffic in Women and Children (1921), the Forced Labour Convention (1930), and the International Convention for the Suppression of the Traffic in Women of Full Age (1933) were the major international conventions adopted between 1904 and 1937. These conventions were directed at seeking international cooperation against prostitution and victimisation of women, particularly Europeans.

The outbreak of the Second World War saw massive destruction of life and property. In the aftermath of the war, the United Nations took the lead in preserving human values by adopting the Universal Declaration of Human Rights in 1948. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was adopted by the General Assembly in 1949. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and the Institutions and Practices Similar to Slavery was adopted in 1956. To effectively fight prostitution and exploitation of girls and women

the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. The Convention on the Rights of the Child (CRC) 1989 required the ratifying states to abolish the sale and trafficking of children in any form.

The third phase of international conventions began after 1990 and saw more concrete steps taken by the international community towards fighting human trafficking and slavery. The most significant protocol in this period is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children adopted by the United Nations in 2000. This protocol was followed by the Brussels Declaration on Preventing and Combating Trafficking in Human Beings in 2002. Later in 2009, an International Framework for Action to Implement the Trafficking in Persons Protocol of United Nations was proposed by The United Nations Office on Drugs and Crime (UNODC).

Apart from these international conventions and protocols, time and again many regional conventions were also adopted in many regions of the world. The American Convention on Human Rights was signed on November 22, 1969. The Council of Europe adopted the European Convention on Human Rights in 1950. In 2005, the Council of Europe adopted the Council of Europe Convention on Action against Trafficking in Human Beings. The Organization of African Unity (OAU) adopted the African Charter on Human and Peoples' Rights in 1981. The Arab Charter of Human Rights was adopted by the Arab League in 1994. The South Asian Association for Regional Cooperation (SAARC) countries adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution on January 5, 2002.

The International Labour Organization has also introduced a number of conventions to combat human trafficking and labour exploitation. In 1930 the ILO Convention against Forced Labour was adopted. The Migration for Employment Convention (Revised) was taken up in 1950. To end discrimination, ILO adopted the Discrimination (Employment and Occupation) Convention (No.III) in 1958. The Convention of Minimum Age for Admission to Employment came in 1973. In 1999, the Worst Form of Child Labour Convention was adopted by the ILO. Through a series of these conventions the ILO has

urged its members to adopt best practices in the interest of labourers and to stop their exploitation.

Taking up the cases of the UK and the UAE, it is found that some of these conventions were adopted by both countries. However, the UK took the lead over the UAE in passing legislation and ratifying various international and regional conventions. Although the UAE started late in its efforts in combating trafficking, it is now playing an effective role in this direction at international level. It has adopted the Palermo Protocol and the United Nations Convention against Transnational Organized Crime.

9.2.3 Background of the UAE

The United Arab Emirates is a confederation of seven independent emirates formed in December 1971. Since formation the country has maintained cordial relations with its neighbours and the western world. In the last few years, the UAE has emerged as a regional leader in global business and financial trade. It has created opportunities for the expansion of work and the trade environment. Unlike other neighbours, the constituent emirates do not have considerable reserves of oil and natural gas except for Abu Dhabi. The economic development witnessed in the country, especially in Abu Dhabi and Dubai, is unparalleled in the region. This development created opportunities for migrant workers to settle in the UAE. At present, migrants account for nearly 90% of the UAE's population. Most of these migrants are from South East Asian countries.

Arabic is the official language of the UAE. The country's population is predominantly Muslim (96%) with a Sunni majority. Prior to its unification into a federation, the UAE's society was engaged in traditional occupations of agriculture, pasturing and pearl fishing. The discovery of oil brought prosperity in the region and the formation of the federation provided the political backing. The civil law of the UAE is highly inclined towards Islamic Shariah. Tribal customs, traditions and western laws together with Shariah laws form the legal foundation of the UAE. The rapid economic development and the tradition of keeping slaves facilitated the spread of human trafficking in the region. Although Islamic laws are strongly against the exploitation of people, it is permitted to keep slaves. As a result the local population of the UAE did not find anything wrong in sourcing people from other countries.

Gradually, the UAE became an important destination country for trafficked people. Minor children were employed as camel jockeys. Domestic workers were kept in confinement and were forced to work for 16-21 hours a day without breaks and weekends. The condition of female workers was even worse. It is reported that many female workers were brought into the country on the false pretext of getting employment in homes and offices but were pushed into the commercial sex industry upon arrival in the UAE. The commercial sex industry reached such levels in Dubai that it earned the nickname of 'Centre for Prostitution' in the Middle East.

With the onset of the twenty-first century the situation began to improve. Giving into international pressure and to portray a modern and progressive image of the country, the government of the UAE started taking initiatives for the eradication of human trafficking from the country. The use of child jockeys was abolished and they were replaced with robot jockeys. Many minor jockeys were deported back to their original countries. The government launched measures to ensure that these children were properly rehabilitated in their native countries. The government passed the Federal Law No 51 in 2006 to provide legal backing to its anti-trafficking drive. The establishment of the National Committee to Combat Human Trafficking in 2007 resulted in the institutionalisation of the efforts of various government agencies.

At present, the entire anti-trafficking framework of the UAE is based on four pillars, namely, legislation, enforcement, supporting victims, and international cooperation and bilateral agreements. The passage of Federal Law 51 removed the lacunae from the legal system with regards to human trafficking. Effective enforcement of this law is achieved with the help of properly trained officers who have the capability to understand the sensitive nature of the crime they are dealing with. The number of reported cases and subsequent convictions has risen in recent years. Victims are encouraged to report their exploitation by giving them proper counselling and rehabilitation. Finally, human trafficking can be controlled by addressing its root causes. The government of the UAE is providing grants to various international agencies which are involved in anti-trafficking work in developing and under-developed countries.

9.2.4 Combating Human Trafficking in the United Kingdom

Efforts to combat human trafficking began quite early in the United Kingdom with the adoption of the Abolition of Slavery Act 1807. The Slavery Abolition Act was passed in 1833 which led to freedom for thousands of slaves in the United Kingdom. Despite its early initiatives in fighting slavery, the country became an important destination country for trafficked people, especially women, in the latter half of the twentieth century. Women, children and men are brought into the UK for the purpose of sexual exploitation and forced labour. In order to eradicate trafficking and related activities from the UK, the government adopted various laws and formulated policies.

The Home Office and the Scottish Executive framed an action plan to fight trafficking. The plan was aimed at coordinating the activities of different agencies, filling up the informational gaps, increasing the transparency and accountability of officials and providing a platform for a holistic approach to human trafficking. The key action areas of this plan revolve around prevention, law enforcement and prosecution, protection and assistance to adult victims, specific measures for child trafficking, working with international partners and monitoring the efforts taken under the plan.

A National Referral Mechanism was also established in response to the Council of Europe Convention on Action against Trafficking in Human Beings adopted by the UK government in 2008. The implementation of this convention increased awareness about human trafficking in the country. However, the Anti-trafficking Monitoring Group found that the government requires further measures to completely implement this convention in a true sense. A possible reason for government failure in this direction is its inability to correctly identify the factors responsible for trafficking in the UK.

The demand for cheap labour, socio-political instability in different parts of the world and gratification of the sex industry are the prime reasons for the rise of human trafficking cases in the UK. The rise of social media and improvement in communication techniques also attracts a large number of people to the UK and many of them become vulnerable to deception by traffickers. Between April and December 2009, 527 cases of potential victims of human trafficking were referred to NRM. As per the reports of watch groups, the actual number of potential victims could be much higher than these figures as many victims are

afraid of being prosecuted by the authorities and fear deportation. It is this fear psychosis that is exploited by traffickers in controlling their victims.

In comparison to the UAE, the UK has performed much better in combating trafficking. It has continuously figured as a tier 1 country in the US Department of State ranking since 2001. On the other hand, the UAE achieved tier 1 ranking only once, in 2003. In fact, its ranking has fluctuated from tier 3 in 2001 and 2002 to tier 1 in 2003 to tier WL rank in 2006, 2007 and 2009. These rankings show that in the eyes of the international community, the government of the UK has been more effective in fighting trafficking than the government of the UAE.

9.2.5 Findings from the Fieldwork

Enforcement of anti-trafficking measures has generally been a problematic issue due to backlogs, lack of resources, lack of political will or coordination, at both domestic and international level. The analysis of interviews with government officials from Dubai presented the realities of trafficking activities on the ground and anti-trafficking measures adopted by the government of the UAE. As the UAE has adopted the Palermo protocol all the government officials were unanimous about the definition of human trafficking. It was found that these government officials were convinced that the number of cases being reported could be more in actual terms. They were of the opinion that a large number of cases go unreported and there is a reasonable chance that many people might be facing exploitation even today. However, these thoughts were shared in off-record discussions as no government official was ready to divulge these details due to the sensitive nature of human trafficking. These government officials pointed out that people fall victim to human trafficking as they are not aware of their own rights. Most of the victims of human trafficking can easily escape from the clutches of traffickers and can seek rehabilitation from government agencies. But, traffickers continuously coerce the victims and keep them in constant fear of being killed or harmed, such that victims lose all hope. They themselves let their exploiters exploit them.

Economic factors were the main reason for flourishing human trafficking in the UAE. Most of the victims of human trafficking were misled by traffickers. Victims belonging to poor and developing countries were promised high salaries and high standards of living

and were brought into the UAE. The victims only came to know about their fate upon arrival at the destination. One of the government officials said that this deception is the major difference between migrant smuggling and human trafficking. Both these phenomenon are different and can be tackled through different methods.

The government officials believed that Federal Law 51 is proactive legislation as it attacks human trafficking in a holistic manner. Protection of victims of human trafficking and educating and training of officers involved in anti-trafficking measures are some of the very pertinent clauses of this law. Collaboration with foreign governments, as proposed in this law for tackling human trafficking, has the potential of breaking the backbone of international trafficking rings.

9.2.6 General Conclusions

Repeatedly acknowledging that trafficking is a problem will not bear fruit. This problem needs to be assessed in more detail to identify its solutions. Policy approaches are now required to be more evidence-based, drawing on the results of relevant research and evaluations. Trafficking not only has an impact on survivors, but their families and communities are also affected by it. It has an adverse effect on the economic environment as it creates disparities in various regions. Exploitation and forced migration of people results in the breakup of societal order and makes trafficking akin to the age-old practice of slavery. The following general conclusions have been drawn from the study:

- It is argued in the thesis that human trafficking is a transnational crime.
- The high profitability of the crime has made large sections of the world population vulnerable to exploitation.
- Trafficked people are involved in illegal activities like drug peddling, organ trading, forced marriages and arms manufacturing.
- With the increase in prosperity and flow of petro-dollars, the UAE became an important destination country for trafficked people.
- Many female workers are brought into the country on false pretexts and are pushed into the commercial sex industry.

- The government of the UAE passed the Federal Law No 51 in 2006 to provide legal backing to its anti-trafficking drive.
- The National Committee to Combat Human Trafficking was established in 2007.
- The anti-trafficking framework of the UAE is based on four pillars, namely, legislation, enforcement, supporting victims, and international cooperation and bilateral agreements.
- Anti-trafficking efforts in the UK started much earlier in 1807 with the passage of the Abolition of Slavery Act.
- The UK government coordinates its anti-trafficking efforts through the National Referral Mechanism (NRM) and some NGOs.
- Due to the late adoption of anti-trafficking laws, the mechanisms adopted in the UAE are not particularly effective.
- The anti-trafficking officers do not have much experience in handling cases of human trafficking.
- Specialised and trained officers are required in the UAE to combat trafficking.
- It is discussed in the thesis that due to the lack of concrete steps on the part of the government a large number of trafficking cases go unreported in the country.
- Traffickers coerce the victims and keep them in constant fear of being killed or harmed to prevent them from reporting it to government authorities.
- Victims of human trafficking are not aware of their rights and are afraid of reporting to the police.
- Economic factors are the main reason for flourishing human trafficking in the UAE. Marginalised sections of society require special attention as they are more prone to trafficking.
- The UAE, being a destination for tourists, attracts a large number of rich and affluent people who often look for sexual pleasures through prostitution.

9.3 Recommendations

To curb the menace of trafficking in the Asia and Pacific region more studies need to be conducted to determine the exact causes. Drastic steps are required to tackle crime in this region. Several flaws were identified in the overall anti-trafficking policies of the UAE

government. These flaws can be rectified by certain recommendations which are important for the government and anti-trafficking organisations of the UAE. Based on the conclusions above, the following recommendations are proposed:

9.3.1 Training of Staff

The government of the UAE has taken some very crucial steps for the elimination of trafficking from the country, but increasing numbers of reported cases shows that much more still needs to be done. The government has to adopt a proactive role towards the complete eradication of human trafficking. It can be made possible by increasing the implementation of anti-trafficking policies. First and foremost, the government officials involved in anti-trafficking measures should be trained properly on a regular basis. These government officials should be placed at important entry points into the country like airports and sea-ports. A round-the-clock vigil on all people entering the UAE must be maintained. The anti-trafficking officials should be competent enough to detect victims of human trafficking, as and when they enter the country. Early detection of victims even before they are exploited is necessary to demoralise traffickers.

Programmes and workshops for police officers and anti-trafficking officials should continue on a regular basis. The officers involved in anti-trafficking efforts should be taught techniques to identify victims. They should be trained in techniques of counselling the victims. The prosecutors should be well-equipped to investigate and prosecute trafficking in person cases. Communication channels with the public, other governments, and international agencies should be kept open to discuss the success in anti-trafficking operations and also to monitor these efforts.

9.3.2 Coordination among Anti-Trafficking Organisations in the Country

There is a need to start a continuous cycle of engagement of various government agencies. Lack of coordination among the anti-trafficking organisations in the country is hampering their operations. Under the continuous engagement cycle, firstly, a risk assessment on human trafficking should be conducted. Inputs should be taken from all agencies. Secondly, a clear policy that explicitly prohibits trafficking must be developed. The policy should identify priorities for action against human trafficking. Thirdly,

training should be provided to managers, human resource personnel and other relevant employees on human trafficking. Joint training and awareness exercises would remove internal inertias of different organisations. To determine the success of anti-trafficking operations there should be monitoring of labour contracts, recruitment agencies and third-party audits. Lastly, corrective measures should be taken in a timely manner as and when loopholes are detected through monitoring activities. There is a need to build bridges between the government, law enforcement agencies and civil society to promote action against human trafficking.

It is strongly recommended that the UAE streamlines the law enforcement processes through multiple agency coordination. The lack of coordination among the enforcement agencies of various emirates is having a negative effect on anti-trafficking operations. It is necessary to determine whether comprehensive services are provided in all the geographical locations of the country. Although most of the cases of human trafficking were reported from Dubai and Abu Dhabi there is a reasonable chance that there might be many unreported cases in other emirates. The government should assess whether the eligibility standards are appropriate in the light of the demand for them by trafficking victims.

9.3.3 Third Party Monitoring

The UAE has a long way to go before it would be in a position to put a blanket ban on trafficking activities in the country. Help from a third party monitoring group can be taken to determine the actual success rate. Government agencies are often accused of under-reporting cases and doing cover-up operations to protect the image of the government. The actual success of anti-trafficking operations in the UAE depends on strong political will and a government that takes criticism in right sense.

9.3.4 Increasing Awareness about Human Trafficking

Emphasis should be placed on increasing the awareness about human trafficking activities. People should be told that there are provisions in law to protect and rehabilitate the victims of human trafficking. These awareness campaigns should not be restricted to mere pamphlets and information boards installed at various places. The government initiatives in this direction need much more. Firstly, advertisement boards are required in

different languages. Victims of human trafficking, especially women, are largely from rural and semi-literate backgrounds. They neither understand Arabic nor English. It would be much better if broad guidelines for victims are displayed in some of the common languages of South East Asian countries. Boards in Urdu, Bangla, Hindi, Chinese, Sinhalese and some other languages would be more helpful to victims. These boards should be installed at prominent entry points into the country.

Apart from display advertisements, government agencies like the National Committee for Combating Human Trafficking can initiate measures like street plays, short documentaries and other similar awareness programmes, focusing on the rights of victims of human trafficking. These programmes should be directed at instilling confidence in victims to report their victimization promptly. A major driving force behind human trafficking is the fear psychosis created by traffickers, due to which victims lose all hopes of independent living. The choice of place for showing these documentaries, short films and street plays is important. Short films of 2-5 minutes duration should be displayed in each aircraft landing or taking off from any airport in the UAE. Street plays can be organised in areas where the probability of prostitution rackets is greater, and in the residential areas of labourers.

9.3.5 Greater International Cooperation and Engagement

Human trafficking is an international issue now. It cannot be solved by the efforts of a single country or region. To tackle human trafficking seriously, the entire international community has to join a single platform to formulate rules and regulations that have to be implemented by local governments and monitored by international organisations. Nation states must rise above national interests and their self-centred nature to overcome human trafficking. Anti-trafficking measures, when adopted in a holistic manner, would surely serve a massive blow on trafficking activities.

The enormous profits that are generated from human trafficking activities are a serious challenge for anti-trafficking efforts. Human trafficking is not a single phenomenon. It cannot be tackled by just looking at it from the perspective of trafficking only. Issues like corruption, poverty and malnutrition must also be solved on a global scale to effectively curb human trafficking. The forces that push and pull workers to migrate must be

analysed in terms of their impact on the vulnerability of people to trafficking activities. Various preventive strategies should be adopted that should not be limited to addressing economic issues, but should also include measures to identify potential victims.

The government of the UAE should leave no stone unturned to break the backbone of this flourishing trade. This is only possible by arresting those involved in its activities. Although it is difficult to reach the real masterminds behind each trafficking ring, as they are mostly located in foreign countries, the help of the international community can be taken in this regard. Issuing red-corner notices and sending teams to arrest such persons will surely result in the dismantling of international trafficking rings.

9.3.6 Knowledge Transfer and Information Sharing between Nations

The stock of various laws, regulations and recommendations related to human trafficking shows that the international community has woken up to face the challenge posed by human trafficking. Now it is required that pressure should be increased on countries which have not ratified these conventions. Trafficking is an international issue; it cannot be tackled with the efforts of a few countries. Greater coordination and informational sharing is required to eradicate trafficking from the surface of the earth. There is a dire need to encourage regional anti-trafficking accords with strong protection measures for the victims. The next target should be to integrate anti-trafficking conventions with the international labour and migration policies.

There are certain grey areas in some of these conventions which have to be dealt with. International conventions should have a broader area of acceptance. They should have features that cater to a wider audience. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is almost silent on sexual rights issues that are not associated with sexual violence and health. Some of the clauses in these conventions are confusing. The UN's Palermo protocol raises some common questions like what is the range of 'abuse of authority' that will vitiate consent. There are also other issues that are acceptable in international law but are not acceptable in the regional context. Decriminalisation of consensual sexual behaviour is acceptable in the Western

world but is still a taboo in many Asian countries. These differences call for serious thinking while proposing international anti-trafficking conventions.

Finally, it is the duty of the international community to bring in conventions that are more focused on protection and support of victims. It should be ensured through these conventions that the victims of trafficking are not subjected to criminal proceedings as a result of them having been trafficked. The governments should incorporate in their legal framework that victims of trafficking, particularly women and girls, are not prosecuted for their illegal entry into the country. The shortcomings in the trafficking protocols have to be removed. Issues like compensation, witness protection and other similar issues that have not been a part of a protocol should be incorporated into revised versions.

9.4 Areas for Future Research

The directions for further research are:

- Specific studies can be taken to determine the opinion of victims of human trafficking in the UAE.
- There is a need to develop common terminology and accurate statistics on human trafficking in the UAE.
- The role of technology in facilitating human trafficking can be probed further to help investigators and law enforcement officers in devising ways to combat trafficking.
- A demand-supply interface of trafficking and commercial sexual exploitation can be undertaken in the case of the UAE.
- A study can be done to evaluate the role of NGOs in combating trafficking in the UAE.
- The role of health care providers and their capacity to provide immediate counselling and help to victims of human trafficking needs to be explored further.

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APPENDICES

Appendix I: Interview No. (1)

Name (if appropriate):

Position/Job/Role:

In order to ensure the interview is focused and can be completed in a relatively short time, it utilises some questions, which rely on using a scale (show card) to estimate your level of agreement or disagreement with a statement about various topics. You can then discuss with me the reasons for your level of agreement or disagreement.

The interview questions are divided into the following sections:

Section – 1: Experience and training in combating human trafficking

Section – 2: Law of Criminalization of human trafficking

Section – 3: Detection and Prosecution of human trafficking Cases

Section 4: Dealing with victims of human trafficking

Section 5: Dealing with traffickers of human trafficking

Section 6: Supervision and Monitoring from committee of combating human trafficking

Section – 7: Combating human trafficking conventions regional and international

Section – 8: Effectiveness of measures and law of human trafficking

Section – 1: Experience and training in Combating human trafficking

1. What is the definition of the human trafficking?

Human trafficking is defined in similar way as given in the Palermo Protocol. The commercial sexual exploitation without consent is considered as human trafficking by the National Committee for Combating Human Trafficking. Labour exploitation instances are not included considered to be part of human trafficking.

2. Have you come across any human trafficking case? How many cases?

The numbers of cases are given in the report of 2011.

3. According to you, how severe is the issue?

The problem is widespread across the globe and is not unique to the UAE. Earlier the UAE was not having an official system to respond to the issue but now with the establishment of National Committee for Combating Human Trafficking the country is well prepared.

4. What are the Causes and Contributing Factors of the human trafficking?

1- Economic factors are largely responsible for the prevalence of human trafficking in the UAE. Human trafficking is a question of demand and supply as the economy is thriving which attracts many people to come. These people have money with them through which they indulge in buying sexual pleasure.

2- Social factors like cosmopolitan population comprising people of 200 nationalities and large single man population are also contributing factor for the occurrence of human trafficking in the UAE.

3- The UAE being a destination for tourist from neighbouring Gulf countries and West world becomes an attractive place for human traffickers. Therefore, allows human trafficking in the UAE, and it has now grown into an inevitable consequence of growing economy and economic change.

5. Do you think economic developments in the UAE have an impact on the involvement of human trafficking crimes in the country?

Yes, Economic factor are largely responsible for the prevalence of human trafficking in the UAE. Human trafficking is a question of demand and supply as the economy is thriving

which attracts many people to come. These people have money with them through which they indulge in buying sexual pleasure.

6. Were there any cases of migrant smuggling?

Very rare, Most of the visitors come at tourist visa for 3 months. After expiry of Visa, they become illegal residents.

7. Did you perceive the different issues involved in human trafficking and migrant smuggling?

Most of the people involved in human trafficking may not be illegal residents, most of them come to the UAE with valid visa documents, they stay in the country but they fail to get the job they were supposed to get. Women are usually hired on nurse visa, beauty parlour visa, maid visa or waitress visas when they arrive in the UAE. After arrival, their employers push them into sexual exploitation jobs. Therefore, the situation in the UAE is different from that prevalent in the Western world and Australia where people are smuggled illegally right from the beginning.

Section – 2: Law of Criminalization of human trafficking

8. Is there proactive law enforcement work?

Yes, there is proactive law enforcement in the UAE:

1- The government is trying to increase awareness by giving out brochures to the arriving people and displaying messages at the airports asking them to identify their rights under Federal Law 51. This implies that proper law enforcement is there and people are getting aware about legal help that they can get, if exploited. For example in 2007, there were 10 cases, which increased to 43 cases in 2011.

2- There is a four-pillar strategy for anti-human trafficking activities in the UAE: legislation (Federal Law 51), enforcement (training to police officers and law enforcement officers, victim protection (shelter homes for victims) and international cooperation.

3- New compensation mechanism for the victims of human trafficking to help them.

9. Do you think that UAE citizens commit crimes of human trafficking?

There has been only one case so far for the first time in 2009 that a citizen of the UAE was involved in human trafficking. Otherwise, in all the other cases the expatriates are involved. The emirate who was involved in the case was from lower class.

10. Is there any gap in the legal system as in the human trafficking law in the UAE?

Law is perfect and the national committee to combat human trafficking in the UAE is trying to study laws of different countries to find out lacunae in Federal Law 51. They are constantly trying to come up with modifications in the existing law.

11. a. Which nationalities commit the crime most?

The most of human trafficking crimes were committed by 70% of Asian expatriates in the UAE.

b. Why?

12. a. Do you think traffickers who commit crime are legal or illegal residents of the country?

Most of the traffickers come at tourist visa for 3 months. After expiry of Visa, they become illegal residents.

13. What are your recommendations to reduce/tackle that?

1- Education of immigration is required, focusing more on training of immigration officers such that they are able to identify potential victims and prevent them from exploitation.

2- Cooperation with other countries will also help in reducing human trafficking.

14. Isn't this just another illegal immigration issue?

No, it is different from immigration issues that many of the cases of trafficking reported after the victims have arrived in the UAE.

Section – 3: Detection and Prosecution of human trafficking Cases

15. a. Do you think that trafficked people avoid reporting their cases to the Authorities?

Yes,

B. if it is so, why?

before any mechanism for helping the victims of human trafficking. The victims were afraid to report cases, as they feared that they would be asked number of questions about their own identity. But, now with new laws no cases are filed against victims for their illegal stay in the UAE, they are not treated as culprits and their dues and fines. They are allowed to go to their countries instead of being put behind the bars.

16. Do you have records, statistics and/or database for law enforcement officials of trafficking for victims, perpetrators, suspects, cases?

Yes, the data is maintained.

17. Which emirate of the UAE is considered as the top emirate g for the occurrence of crimes of human trafficking? Moreover, what are the reasons for that?

Dubai has more number of cases as it is a tourist hub and business centre also.

18. a. What do you think about the main obstacle in combating trafficking in human beings?

The primary problem lays with the source countries. All trafficking cases have their origin at the home countries. Therefore, more cooperation is required between the countries to tackle human trafficking.

b. What is needed to be done to erase such obstacles?

New mechanisms like verifying the degrees and certificates of people coming to work in the UAE have to be evolved. Ticket and visa has to be approved by airlines office. For

example, the Indian government has started uploading the certificates, degrees, appointment letter and visa on the website and the same can be seen by officials in the UAE and India.

19. How far do those measures work when it comes to preventing trafficking and prosecuting criminals?

In 2012 the number of cases came down which is a positive development. Some of the measures are working but still no law is going to completely wipe out human trafficking.

Section 4: Dealing with victims of human trafficking

20. Who can become a victim?

Domestic workers who have problems with their employers and they run away become potential target of human traffickers. Those people who are cheated by the travel agents about the kind of jobs they are going to get. When they come to the UAE they find the promised job is not there and they are pushed into sexual exploitation. Most of the victims are poor or they do not have contacts in the UAE, who can help them. Some of the victims are misled in their home country.

21. Do you think that the victim has been misled in his home country? In other way, do you think that some agents and people bring the victims knowing that he/she will be a victim of human trafficking and the only one who doesn't know that is the victim him/herself?

Yes, some of the victims are misled in their home country.

22. Do you have the social/ financial background information of the victim?

Yes, such a data is collected but that cannot be shared in public domain. Financial background of most of the victims is similar.

23. How can a victim be detected?

24. Are there laws and legislations available for preventing the human trafficking in the UAE?

Yes, Federal Law 51 seeks prevention of human trafficking.

25. Why do victims of trafficking try to escape? What are the reasons that made the victims surrender themselves to the trafficker, without seeking protection of the law, for example, calling the police or run away? How do traffickers control their victims? What are the reasons that victims may hesitate to try to escape or report the crime?

Such details can be collected from newspapers.

26. What effects do trafficking have on victims?

27. Are the victims treated properly (provision for financial, health, counseling services)? Can Victims from abroad ask to stay in the country to aid in prosecution such as A T-Visa allows trafficked persons reside in the UAE? Or asylum visa?

Yes, victims are treated properly in a fantastic manner. They are provided vocational training and are taken care of very well.

Section 5: Dealing with traffickers of human trafficking

28. How do you define the trafficker?

A trafficker is defined similarly in accordance with Palermo Protocol.

29. Have you any information about their activities or social background?

That is collected but not shared in public domain.

30. What methods do traffickers use to recruit their victims?

Victims are told that they would get a particular job but later on, they are forced into sexual exploitation.

Section 6: Supervision and Monitoring from committee of combating human trafficking

31. Is there any committee that monitor human trafficking?

Yes, the National Committee for Combating Human Trafficking. Dr Anwar Gargash is the chair-man of this committee.

32. How does the monitoring process work?

Committee brings out annual report on the status of human trafficking in the UAE.

33. Who funds the committee?

The government funds the committee.

34. Is there any authority that supervises the committee? Which administration/s supervises?

It is an independent body with no one actually monitoring it is working. It has members from 9 or 10 organizations from the UAE, Ministry of Interior, Ministry of Health, ministry of Social Welfare, all the Police departments of the emirates.

35. Did you face any constraint in dealing with combating of human trafficking in the UAE? Was there co-operation from all institutions involved?

No, a system for tackling human trafficking has evolved which, is based on cooperation from different agencies.

Was there any problem in co-ordination?

No

Section – 7: Combating human trafficking conventions regional and international

36. a. What steps are being taken by the federal government to counter the problem?

b. Have the results after implementation of these methods through laws satisfactory/good?

To some extent measures to combat human trafficking have worked. The number of cases declined in 2012.

37. What are the efforts of Dubai government and Dubai police to counter these problems?

Dubai police is training its officers to treat victims properly.

Section – 9: Effectiveness of measures and law of human trafficking

38. What according to you are the main gaps in combating human trafficking in the UAE?

International organizations blame the UAE for distinguishing between human trafficking and labour exploitation issues. But the conditions in the UAE are different from those prevalent in other countries. In the UAE people are exploited mostly for sexual gratification and pushed into prostitution. In other countries labour exploitation is there in the form of less payment of dues and salaries but in the UAE they are not paid at all and beaten up to force them into sexual exploitation. More changes might be there in Federal Law 51 to bring labour issues also in the gambit of human trafficking in the UAE in coming years.

39. What has been accomplished so far?

You can find details about accomplishments to combat human trafficking in annual reports.

Thank you very much for your time. Your responses are most valuable.

Appendix II: Arabic interviews

مقابلة رقم () :

الاسم (اختياري) :

المنصب / الوظيفة / الدور (اختياري):

من أجل ضمان التركيز في المقابلة وأن تنجز في وقت قصير نسبياً، فإنه سيتم طرح بعض الأسئلة التي تعتمد على استخدام مقياس (بطاقة العرض).

وتنقسم أسئلة المقابلة إلى الأقسام التالية:

القسم: ١ - الخبرة والتدريب في مجال مكافحة الاتجار بالبشر

القسم - ٢ : قانون تجريم الاتجار بالبشر

القسم - ٣ : كشف ومحاكمة قضايا الاتجار بالبشر

الباب ٤ : التعامل مع ضحايا الاتجار بالبشر

المادة ٥ : التعامل مع تجار الاتجار بالبشر

المادة ٦ : الإشراف والمراقبة من لجنة مكافحة الاتجار بالبشر

القسم - ٧ : مكافحة الاتجار بالبشر الاتفاقيات الإقليمية والدولية

القسم - ٨ : فعالية التدابير وقانون الاتجار بالبشر

القسم الأول: - الخبرة والتدريب في مجال مكافحة الاتجار بالبشر:

١. ما هو تعريف الاتجار بالبشر؟

٢. هل واجهتم أي حالات للاتجار بالبشر؟ كم عدد الحالات؟

٣. من وجهة نظركم، ما مدى خطورة المشكلة؟

٤. ما هي الأسباب والعوامل المساهمة في الاتجار بالبشر؟

٥. هل تعتقد التطورات الاقتصادية في دولة الإمارات العربية المتحدة لها تأثير علي جرائم الاتجار بالبشر في دولة الإمارات العربية المتحدة؟

٦. أليست هذه مجرد مسألة للهجرة غير الشرعية؟

٧. أ. هل هناك أي حالات تهريب المهاجرين؟

ب. من منظوركم هل هناك اختلاف بين قضايا المشاركة في الاتجار بالبشر وتهريب المهاجرين؟

القسم الثاني - قانون تجريم الاتجار بالبشر

٨. هل هناك عمل استباقي لإنفاذ القانون؟

٩. أ. هل تعتقد أن مواطني دولة الإمارات متورطون في ارتكاب جرائم الاتجار بالبشر؟

ب. لماذا؟

١٠. هل هناك أي فجوة في النظام القانوني الوارد في القانون الاتجار بالبشر في دولة الإمارات العربية المتحدة؟

١١. أ. ما الجنسيات الأكثر ارتكاب لجريمة الاتجار بالبشر؟

ب. لماذا؟

١٢. أ. هل تعتقد المتاجرين الذين يرتكبون الجريمة هم من أصحاب الوضع القانوني أو غير القانوني في البلاد؟

ب. ما هي الأسباب التي تشجعهم على القيام بذلك؟

١٣. ما هي توصياتكم للحد من / معالجة ذلك؟

القسم الثالث: - كشف ومحاكمة قضايا الاتجار بالبشر

١٤. أ. هل تعتقد أن الأشخاص المتاجر بهم (الضحايا) يتجنبون إبلاغ السلطات؟

ب. إذا كان الأمر كذلك، لماذا؟

١٥. هل لديك سجلات والإحصاءات و / أو قاعدة بيانات للموظفين المكلفين بإنفاذ قانون الاتجار و ضحايا والجناة والمشتبه بهم، القضايا المتعلقة بالاتجار؟

١٦. ما هي الإمارة في الإمارات العربية المتحدة التي تقع فيها جرائم الاتجار بالبشر؟ وما هي أسباب ذلك؟

١٧. أ. في رأيك ما العقبة الرئيسية في مكافحة الاتجار بالبشر؟

ب. هل هناك تدابير لمعالجة هذه العقبات؟

١٨. إلى أي مدى تأثر هذه التدابير في محاكمة المجرمين؟

القسم الرابع :- التعامل مع ضحايا الاتجار بالبشر

١٩ بالنسبة للضحية هل تعتقد أن تم تضليل الضحية في وطنها؟ وبعبارة أخرى، هل تعتقد أن بعض وكلاء جلب العمالة لهم دور في التضليل بالضحية؟

٢٠. هل لديك المعلومات الخلفية الاجتماعية / المالية للضحية؟

٢١. كيف يمكن الكشف عن الضحية؟

٢٢. ما الأسباب التي قد تمنع الضحايا من محاولة الهروب أو إبلاغ السلطات عن الجريمة؟

٢٤. ما هي القوانين هناك لحماية الضحايا؟

٢٥. ما الخدمات والتدابير التي تقدمها دولة الإمارات العربية المتحدة لمساعدة الضحايا (لتوفير الخدمات الصحية المالية، وتقديم المشورة،)؟ هل يمكن للضحايا من الخارج طلب البقاء في الدولة حتى الانتهاء من إجراءات المحاكمة؟

القسم الخامس:- التعامل مع تجار الاتجار بالبشر

٢٦. كيف يمكنك تحديد تجار في قضايا الاتجار بالبشر؟

٢٧. هل لديك أي معلومات عن أنشطتهم أو الخلفية الاجتماعية؟

٢٨. ما طرق التي يستخدمها تجار في قضايا الاتجار بالبشر لتجنيد ضحاياهم؟

القسم السادس:- الإشراف والمراقبة من لجنة مكافحة الاتجار بالبشر

٢٩. هل هناك أي لجنة تقوم بمراقبة الاتجار بالبشر؟

٣٠. كيف تتم عملية الرصد القضايا؟

٣١. أ. هل تواجه أي معوقات في التعامل مع مكافحة الاتجار بالبشر في دولة الإمارات العربية المتحدة؟

ب. وكان هناك تعاون من جميع المؤسسات المعنية؟

ج. هل هناك أي مشكلة في التنسيق؟

القسم السابع :- مكافحة الاتجار بالبشر الاتفاقيات الإقليمية والدولية

٣٢. ما هو ردمك علي التقارير الصادرة من عن حكومة الولايات المتحدة من ان الجهود التي بذلتها حكومة الإمارات العربية المتحدة، بعد صدر قانون الاتجار بالبشر في عام ٢٠٠٦، ليست كافية؟

٣٣. أ. ما هي الخطوات التي يجري اتخاذها من قبل الحكومة الاتحادية لمواجهة هذه المشكلة؟

ب. هل لديكم النتائج بعد تنفيذ هذه الأساليب من خلال القوانين مرضية / جيد؟

٣٤. ما هي الجهود التي تبذلها حكومة دبي وشرطة دبي لمواجهة هذه المشاكل؟

٣٥. ما مدى تنفيذ الاتفاقيات الدولية في التعامل مع هذه القضية؟

٣٦. هل هناك تعاون بين دول الخليج في السعي لمكافحة الاتجار؟

٣٧. هل هناك أي اتفاقات رسمية / الاتفاقيات مع الدول التي يتم جلب الضحايا منها (دول المصدر)؟

القسم الثامن: - فعالية التدابير وقانون الاتجار بالبشر

٣٨. من وجهة نظركم، ما هي الثغرات الرئيسية في مجال مكافحة الاتجار بالبشر في دولة الإمارات العربية المتحدة؟

٣٩. ما تم إنجازه حتى الآن؟

أ. إحصاءات حالات الاتجار بالبشر ؟

ب. التعديلات لتشريعات مكافحة الاتجار؟

ج. الإدانات

د. تنظيم الحملات التوعوية من خلال السلطات الاتحادية لتثقيف الناس حول هذه المشكلة.

هـ. التحقيق في معظم الحالات

و. التدريب للعاملين قانون الاتجار بالبشر.

شكرا جزيلا لكم على وقتك.

الملاحظات الإضافية:

Appendix III: Federal Law 51 of the United Arab Emirates

Federal Law No. (51) of 2006 on Combating Human Trafficking Crimes

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates, after perusal of the Constitution; and

The **Federal Law No. (1) of 1972** on the functions of ministries and the powers of ministers, and the laws amending it; and

The **Federal Law No. (6) of 1973** on entry and residence of foreigners, and the laws amending it; and

The **Federal Law No. (8) of 1980** on regulation of labor relations, and the laws amending it; and

The Penal Code issued as per the **Federal Law No. (3) of 1987**, and the laws amending it; and

The Penal Procedures Code issued as per the **Federal Law No.(35) of 1992**, and the laws amending it; and

The **Federal Law No. (15) of 2005** on regulation of participations in camel races; and

According to the proposal of the Minister of Justice, the approval of the Cabinet and the ratification of the Supreme Council of the Federation, have issued the following law:

Article (1)

Definitions: For the purpose of this law, the following terms and expressions shall have the meanings herein assigned to them, unless the context requires otherwise:

Human trafficking: recruiting, transporting, transferring, harboring, or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation includes all forms of sexual exploitation, engaging others in prostitution, servitude, forced labor, enslavement, quasi-slavery practices, or detachment of organs.

Organized criminal gang: a group of three or more people who collaborate to carry out a premeditated act with the intent of committing a human trafficking crime for the sake of gaining directly or indirectly a financial or any other material benefit.

A transnational crime: A crime is adjudged to be transnational if it is:

1. Committed in more than one country,
2. Committed in one country but preparation, planning, direction and supervision were carried out from another country,

3. Committed in one country but the perpetrators were an organized criminal gang involved in criminal activities in several countries, or
4. Committed in one country but its repercussions radiated into another country.

Child: Any person who is under 18 years old.

Article (2)

Penalties: Whoever commits any of the human trafficking crimes provided for in Article (1) of this law shall be punished by temporary imprisonment for a term of not less than five years. The penalty shall be life imprisonment if any one of the following conditions is met:

1. The perpetrator of the crime has created, organized, assumed a leading role in, or solicited others to join an organized criminal gang.
2. The victim was a female, child, or handicapped person.
3. The crime is committed through deceit, involved the use of force or threat of murder or bodily harm or involved physical or psychological torture.
4. The crime is committed by two or more people, or by an armed person.
5. The perpetrator is a member of an organized criminal gang, or has consciously taken part in the activities of that gang.
6. The perpetrator is the spouse, a relative, descendent, or guardian of the victim.
7. The perpetrator is a public servant or commissioned with a public task.
8. The crime is transnational.

Article (3)

Any person who was aware of a plan to commit any of the crimes provided for herein, but failed to inform the concerned authorities shall be punished by imprisonment for a period of not less than one and not more than five years and/or a fine of not less than five thousand dirhams and not more than twenty thousand dirhams.

This penalty can be waived if the person who failed to inform the authorities was the perpetrator's spouse, close relative, descendent, guardian, brother, or sister.

Article (4)

Any person who uses force or threat of force, or offers or promises a gift or advantage of any kind for prompting another person to give false testimony or withhold true information before any judicial body on proceedings related to committing any of the crimes provided for herein, shall be punished by imprisonment for a period of not less than five years.

Article (5)

Any person who possesses, harbors, or dispenses articles gained through any of the crimes provided for herein, or knowingly hides a person or more of those who have taken part in it, with the intention of helping him/her to escape justice, or participates in concealment of the crime shall be punished by imprisonment.

Article (6)

Any person who assaults, resists by force, or threatened to use force against any law enforcement officers, whether during, or as a result of the law enforcement officers performing their duties shall be punished by imprisonment for a term of not less than five years.

Article (7)

A corporate entity shall be punished by a fine of not less than one hundred thousand dirhams, and not more than one million dirhams, if its representatives, directors or agents commit, in its name or for its account, one of the human trafficking crimes enumerated herein; and that is without prejudice to the responsibility and punishment of its dependent natural person. In addition to that penalty, a court may order temporary dissolution, or total closure of the corporate entity or closure of one of its branches.

Article (8)

1. Any person who attempts to commit one of the crimes enumerated herein shall be punished by the penalty for a complete crime.
2. Any person who collaborates in committing one of the crimes provided for in Articles 2, 4, 5 and 6 of this law, as a direct participant, accomplice, or who knowingly takes part in transporting or harboring victims of any human trafficking crimes enumerated herein, or holding their documents for coercion, shall be deemed a perpetrator of the crime for purposes of the criminal sanction specified in this law.

Article (9)

Without prejudice to the bona fide rights of others, any funds, properties or instruments used in committing any of the crimes provided for in this law shall, in all cases, be confiscated.

Article (10)

Crimes provided for in this law shall be punished by the penalties stated herein, without prejudice to any more severe penalty provided for in any other law.

Article (11)

Any of the perpetrators of a crime, who proceeds to inform judicial or administrative authorities of what he/she knows about the crime before its commission, which results in discovering the crime before its occurrence, or in the arrest of its perpetrator or preventing its commission, shall be exempted from penalties provided for in this law.

If an individual informs of a crime after its discovery, that individual may be exempted from the penalty or it may be reduced, in the event that he/she has assisted the investigation and enabled the concerned authorities to apprehend the other perpetrators of the crime.

Article (12)

The National Committee for Combating Human Trafficking

In accordance with this law, a committee shall be established and called “The National Committee to Combat Human Trafficking” as per a Cabinet decision forming it and determining its chairmanship. The committee shall be comprised of at least one representative which shall be

nominated by and be from the following bodies: Ministry of Foreign Affairs, Ministry of Interior, Ministry of Justice, Ministry of Labor, Ministry of Social Affairs, Ministry of Health, State Security and The UAE Red Crescent Society. Any other body shall join the committee as per a Cabinet decision.

Article (13)

The committee provided for in Article (12) of this law shall be tasked with the following:

1. Studying and revising human trafficking legislation with a view to enhancing and securing the necessary protections in accordance with international standards.
2. To prepare reports on efforts taken by the UAE to fight human trafficking, in coordination with other authorities and bodies concerned in the UAE.
3. Studying reports related to human trafficking and taking the relevant necessary action toward achieving their recommendations.
4. Coordinating among the State's authorities concerned with the issue of human trafficking such as ministries, departments, corporations and organizations and coordination of follow up actions taken to achieve these objectives.
5. Promoting public awareness of matters related to human trafficking through conferences, seminars, brochures, training and other means in order to achieve the goals of the committee.
6. Participating, with the state's concerned bodies, in international conferences and forums related to combating human trafficking, and explaining the state's position in such international forums.
7. Performing any other duties assigned to the committee in this field.

Article (14)

General and Final Provisions

The authorities concerned with application of the provisions of this law shall be obliged to observe confidentiality and secrecy with respect to information obtained with the purpose of executing its provisions, except whenever deemed necessary.

Article (15)

Any provision which contradicts or opposes to the provisions of this Law shall be repealed.

Article (16)

This Law shall be published in the Official Gazette and shall become effective one month after date of its publication.

Khalifa bin Zayed Al Nahyan
President of the United Arab Emirates

Issued by us at the Presidential Palace, Abu Dhabi,
on 18th Shawal 1427, corresponding to 9th November 2006.